

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

*People of the State of California, et al. v. Meta
Platforms, Inc., et al.*

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

4:23-cv-05448-YGR

**DECLARATION OF ASHLEY M.
SIMONSEN IN SUPPORT OF META'S
MOTION FOR DISCOVERY SANCTIONS
REGARDING STATE AGENCIES**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

DECLARATION OF ASHLEY M. SIMONSEN

I, Ashley M. Simonsen, declare and state as follows:

1. I am an attorney with the law firm Covington & Burling, LLP and represent Meta Platforms, Inc.; Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC (collectively, “Meta”) in the above-captioned case. The declaration is based on my personal knowledge. If called upon to do so, I could and would competently testify as follows.

2. On February 27, 2024, Meta served discovery requests seeking documents and other information from the States and certain of their constituent agencies that engage in work relevant to this lawsuit—*e.g.*, state departments of health, mental and behavioral health, education, and human services, and Governor’s offices. The States uniformly refused to produce documents from their constituent agencies, instead taking the position that the attorneys general (“AGs”) had no obligation or ability to produce discovery from their states’ agencies. As a result, the States refused to engage with Meta on agency discovery for months.

3. Eight of the 14 Sanction States ordered to do so failed to provide search terms and custodians for all agencies by the November 1, 2024 Court-ordered deadline. ECF 1291 at 2, 1299 at 10, 1380 at 2. Those States are Arizona, California, Colorado, Delaware, Illinois, Minnesota, New York, and Pennsylvania.

4. Certain Sanction States—Arizona, California, Colorado, Illinois, Minnesota, New York, and Pennsylvania—have agencies that have not provided search terms, custodians, hit reports, or transparency about their alternative search methods. Pennsylvania has not provided custodians for any of its agencies.

5. 14 States have agencies that have failed to come to agreement with Meta on search terms and custodians in violation of the December 2, 2024, Court-ordered deadline for completing these negotiations. ECF 1380 at 2. Those States are Arizona, California, Colorado, Delaware, Hawai’i, Illinois, Indiana, Kansas, Minnesota, Nebraska, New York, Ohio, Pennsylvania, and South Dakota

6. 45 agencies from the Sanction States failed to provide hit reports by the Court-ordered December 16, 2024 deadline. 12/11/24 DMC Tr. at 120:19–121:2. Those agencies are: **AZ:** Department of Health Services, Board of Education; **CO:** Behavioral Health Administration, Department of

1 Education, Department of Higher Education, Department of Human Services, Governor's Office, State
 2 Planning and Budgeting; **DE:** Department of Education, Department of Services for Children, Youth, and
 3 Their Families, Office of the Governor; **HI:** Department of Budget and Finance, Department of Business,
 4 Economic Development, and Tourism, Department of Commerce and Consumer Affairs, Department of
 5 Education, Department of Health, Department of Human Services, Office of the Governor, State Council
 6 on Mental Health; **IL:** Board of Education, Department for Children and Family Services, Department of
 7 Human Services, Department of Public Health, Office of the Governor; **KS:** Board of Regents,
 8 Department of Aging and Disability Services, Department of Children and Family Services, Department
 9 of Education, Department of Health & Environment, Governor's Office; **MN:** Department of Human
 10 Services, Department of Education; **NE:** Department of Health and Human Services, Department of
 11 Education, Governor's Office, Children's Commission; **NY:** Office of the Governor, State Division of
 12 Budget; **SD:** Department of Education, Department of Health, Department of Social Services, Board of
 13 Regents, Office of the Governor, Bureau of Finance and Management; Attorney General's Office.
 14 Counsel for some South Dakota agencies represented that they were not aware of the December 16
 15 deadline.

16 7. Agencies in ten States—Arizona, Delaware, Hawai'i, Illinois, Indiana, Nebraska, New
 17 York, Ohio, Pennsylvania, and South Dakota—have either refused or failed to confirm that they will
 18 produce documents from before 2015.

19 8. I estimate that, conservatively, attorneys at Covington have corresponded with individual
 20 MDL States by phone or email over 2,000 times so far since the Court's September 6, 2024 Order
 21 regarding Meta's discovery requests to the States and agencies. Dozens of Covington attorneys have spent
 22 significant time working on these issues.

23 9. Meta has not intentionally delayed this discovery, and its correspondence with the States
 24 and agencies has been prompt. Meta also has worked hard to reach agreements where possible, including
 25 giving up significant ground in negotiations. Meta affirmatively proposed search terms and custodians,
 26 and substantially narrowed its proposals based on agencies' claims of burden. Meta has worked with
 27 individual agencies to identify alternative methods of targeted collections and productions where
 28 appropriate.

1 10. Meta has produced more than two million documents consisting of more than nine million
2 pages in this litigation. The States have produced 32,604 documents, with agencies producing 21,317 of
3 that volume as of December 22, 2024.

4 11. To date, Meta has not received any agency documents from Kansas, and nine Sanction
5 States have produced volumes numbering only in the tens or hundreds of documents (Arizona, California,
6 Colorado, Delaware, Hawai'i, Illinois, Indiana, New York, and Pennsylvania).

7 12. 12 of States have been able to negotiate sufficiently to reach agreements on search terms
8 and custodians.

9 13. Meta agreed to remove more than 50 agencies from the search term negotiation process or
10 rely on targeted searches.

11 14. The States uniformly failed to make themselves available to meet-and-confers about
12 agency discovery for 11 days after the Court's September 6, 2024 Order (ECF 1117) issued. Counsel for
13 some South Dakota agencies joined conferrals with Meta for the first time on December 16, 2024, despite
14 requests for meet-and-confers by Meta on November 6, November 13, and December 2, 2024.

15 15. Certain agencies of New York, California, and Kansas have continued to take the position
16 that some agencies are not bound by this Court's September 6, 2024 Order (ECF No. 1117) at all. Those
17 agencies are: **NY**: Governor's Office, State Division of Budget; **CA**: Office of the Governor, Governor's
18 Office of Business and Economic Development, Office of Data & Innovation, Department of Finance,
19 Department of Public Health, Department of Consumer Affairs, Business, Consumer Services and
20 Housing Agency; **KS**: Governor's Office, Department for Aging & Disability Services.

21 16. Agency disputes still exist for the 14 of Sanction States. They are Arizona, California,
22 Colorado, Delaware, Hawai'i, Illinois, Indiana, Kansas, Minnesota, Nebraska, New York, Ohio,
23 Pennsylvania, and South Dakota.

24 17. Attached as **Exhibit A** is a true and correct copy of an email sent from Arizona's counsel
25 to my firm on November 26, 2024.

1 I declare under penalty of perjury of the laws of the United States that the foregoing is true and
2 correct. Executed on December 23, 2024.

3 By: /s/ Ashley M. Simonsen

4 Ashley M. Simonsen
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

From: Dilweg, Laura <Laura.Dilweg@azag.gov>
Sent: Monday, November 25, 2024 8:53 PM
To: Yeung, Christopher; Whelihan, Nathan
Cc: Hunsinger, Nyla; Simonsen, Ashley M; Schmidt, Paul; Halperin, Gregory; Grigsby, Stacey; Hester, Timothy; 'Social Media MDL State AGs Lead Counsel'; Xenakis, Nicholas; Ermilus, Jae; Djoukeng, Fran
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

EXTERNAL

Chris,

I do not understand what "data" you think our office is capable of hosting. Or how or why nonparty state agencies should be expected to expend tax payer dollars hiring discovery vendors (if they are even able to do so). The mere suggestion underscores the immediate need for an end to the endless demands your client seems intent on making. Which other states have agreed to do anything like this?

If that is the position Meta is taking, I would appreciate a tech person who is versed in discussing the reality of government agency discovery and speaking to what Meta is actually asking the agencies to do.

Thank you,
Laura

Laura Dilweg
Chief Counsel
Consumer Protection & Advocacy Section



Arizona Attorney General Kris Mayes
2005 N. Central Ave.
Phoenix, AZ 85004
Desk: (602) 542-5487
Laura.Dilweg@azag.gov
<http://www.azag.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Yeung, Christopher <cyeung@cov.com>
Sent: Monday, November 25, 2024 9:41 PM
To: Dilweg, Laura <Laura.Dilweg@azag.gov>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>
Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Laura,

We've suggested multiple times to Arizona that it should consider (as we understand other AGs are doing) hosting the data on the AGs' ediscovery platforms, or retaining an ediscovery vendor, to assist with running searches and providing hit reports. Is Arizona unwilling to do so?

Separately, so that I can line up the right person to attend tomorrow, what tech issue does Arizona wish to discuss?

Best,

Chris

From: Dilweg, Laura <Laura.Dilweg@azag.gov>

Sent: Monday, November 25, 2024 11:31 PM

To: Yeung, Christopher <cyeung@cov.com>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Will do.

As we advised you and the Court at last week's DMC, Arizona's agencies do not have the technical capabilities and software that would allow them to provide traditional hit reports. We provided you additional information in the letter we sent today regarding the agencies' attempts to run the search terms proposed by Meta on November 8 and at COB last Friday. As the Court stated last week, it would be helpful if a tech person from Covington is available to attend the conference tomorrow to speak to Meta's position.

Thank you,
Laura

Laura Dilweg

Chief Counsel

Consumer Protection & Advocacy Section



Arizona Attorney General Kris Mayes

2005 N. Central Ave.

Phoenix, AZ 85004

Desk: (602) 542-5487

Laura.Dilweg@azag.gov

<http://www.azag.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Yeung, Christopher <cyeung@cov.com>

Sent: Monday, November 25, 2024 9:21 PM

To: Dilweg, Laura <Laura.Dilweg@azag.gov>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy

<thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Laura,

Please send me the invitation and I will invite the relevant attendees.

I'm not sure I would call my four-paragraph email pointing out some of the factual errors in Arizona's 7-page single-spaced letter as "bickering." But to move the ball forward, Judge Kang made it abundantly clear at the DMC that Arizona needs to provide Meta with hit reports so that an informed discussion can occur. Do you anticipate providing those hit reports prior to tomorrow's call?

Best,

Chris

From: Dilweg, Laura <Laura.Dilweg@azag.gov>

Sent: Monday, November 25, 2024 10:48 PM

To: Yeung, Christopher <cyeung@cov.com>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

We will circulate a meeting invite in the morning. Besides you and Paul, who should that invitation include?

I believe that Judge Kang made clear at the hearing last Thursday that the type of bickering you offer below is not helpful, and that Meta needs to come to the table to negotiate in good faith a limitation on the scope and timeframe for the discovery it seeks from nonparties. It is not a request from Arizona, but an order of the court.

Please also be prepared to respond to my inquiry regarding any agreements Meta has reached with other state agencies.

Thank you,

Laura

Laura Dilweg

Chief Counsel

Consumer Protection & Advocacy Section



Arizona Attorney General Kris Mayes

2005 N. Central Ave.

Phoenix, AZ 85004

Desk: (602) 542-5487

Laura.Dilweg@azag.gov

<http://www.azag.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Yeung, Christopher <cyeung@cov.com>
Sent: Monday, November 25, 2024 8:05 PM
To: Dilweg, Laura <Laura.Dilweg@azag.gov>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>
Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Laura,

We are available to speak tomorrow at 1 pm MST / 3 pm ET. Please either circulate a dial-in, or let me know whom we should invite.

We can discuss your letter on the next call, but suffice it to say we disagree with your recitation of the events, and your claim that Meta is more interested in delay than actually obtaining discovery to which it is entitled. I remind you that Arizona not only resisted providing agency discovery when Meta first raised the issue at the beginning of the year, but also after Judge Kang issued his September 6 order compelling Arizona to provide it as party discovery. Indeed, even after Arizona was expressly ordered to disclose proposed agency search terms and custodians to Meta by November 1, ECF Nos. 1291 and 1299, Arizona failed to comply, providing terms and custodians for none of the agencies mentioned in your letter by the court-ordered deadline. Twenty days later, as of the November 21 DMC, we only had proposed search terms for one of those four agencies.

In the face of this delay, Meta has sought to move the process forward, including by proposing an initial set of search terms, followed by a revision that takes into account the general feedback that we heard from Arizona and some other states. But despite Judge Kang's clear statements, including at last week's DMC, that Arizona (and other states) must provide Meta with hit reports, we still don't have any actual hit report from any Arizona agency.

In short, having delayed the agency discovery process for months, Arizona is no position to seek to limit the discovery that Meta is entitled to obtain because of the deadlines associated with this case.

Best,

Chris

From: Dilweg, Laura <Laura.Dilweg@azag.gov>
Sent: Monday, November 25, 2024 9:04 PM
To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>; Yeung, Christopher <cyeung@cov.com>
Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]
Counsel,

Please see the attached letter of today's date.

Given the holiday week, it is challenging to arrange a time for a meet and confer between our office, yours, and counsel for the various state agencies. If tomorrow at 1pm Arizona time (MST) will not work for you, please provide alternative dates but understand that it is very likely that agency counsel may not be able to attend.

Would you please also advise if Meta has reached agreement with any agencies in other states regarding search terms?

Thank you,
Laura

Laura Dilweg

Chief Counsel

Consumer Protection & Advocacy Section



Arizona Attorney General Kris Mayes
2005 N. Central Ave.
Phoenix, AZ 85004
Desk: (602) 542-5487
Laura.Dilweg@azag.gov
<http://www.azag.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Monday, November 25, 2024 3:52 PM

To: 'Yeung, Christopher' <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <Jermilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Hello Chris,

We would like to get something on the calendar so that we can meet and confer this week; would your side be available for a meeting tomorrow at 1pm Arizona (mountain) time?

Thanks,

Nathan Whelihan

Assistant Attorney General

Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Friday, November 22, 2024 4:29 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

Thank you. If I'm reading the proposal correctly, ADE appears to be proposing running some of Meta's proposed social media/device terms and some of Meta's proposed harm/wellbeing terms together, with an AND connector. As we've previously mentioned, that does not work for us as a concept; among other things, it would not be designed to capture responsive documents about the various other causes of teen mental health issues that have nothing to do with social media.

As for custodians, ADE proposes limiting the searches to just the past two years. It is not clear to us why that is appropriate, where the States have insisted that the "relevant time period" for discovery spans at least a 12-year period. As an initial step, can you please provide us with the years that each of the proposed ADE custodians have been at ADE?

We have separately emailed you with an alternate proposal with a request for hit reports so that we can have an informed discussion about search terms, consistent with the sentiments that Judge Kang expressed at yesterday's DMC. I am reattaching that email. I look forward to hearing from you.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Friday, November 22, 2024 4:24 PM

To: Yeung, Christopher <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Hello Again Chris, All,

I am forwarding on what I received yesterday from Counsel for and at the Arizona Department of Education (ADE) which, again, our office does not represent.

They tell me that the attached terms "are agreeable to ADE provided the search is restricted to January 1, 2022 through the present which covers the period of Superintendent Horne's time in office and is also restricted to the people identified on the litigation hold excluding myself and the IT people who are Amanda Riske and Beth Neeley."

I believe that this means ADE is proposing the following custodians be used in conjunction with the attached terms:

Tom Horne, Superintendent of Public Instruction
Margaret Garcia Dugan, Deputy Superintendent
Art Harding, Chief Operations Officer
Edward Cota, Chief Strategy Officer
Sid Bailey, Arizona Educator Leadership
Catherine Barrett, Academic Achievement
Colette Chapman, ESS/Child and Adult Programs
Joseph Guzman, Accountability
Debbie Jackson, Deputy Operations Officer
Mike Kurtenbach, DAS School Safety
Mila Makal, Director Character Education
Rick Medina, Community Relations Manager
Doug Nick, Communications Director
Camilla Strongin, Director of Legislative Affairs
Bobby Bravo, Deputy Director Legislative Affairs
Michelle Udall, School Improvement
John Ward, ESA Executive Director
Jim Waring, Fed./State Liaison and Community Outreach

Thanks,

Nathan Whelihan

Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Whelihan, Nathan

Sent: Tuesday, November 19, 2024 5:28 PM

To: 'Yeung, Christopher' <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; 'Simonsen, Ashley M' <asimonsen@cov.com>; 'Schmidt, Paul' <pschmidt@cov.com>; 'Halperin, Gregory' <GHalperin@cov.com>; 'Grigsby, Stacey' <SGrigsby@cov.com>; 'Hester, Timothy' <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; 'Xenakis, Nicholas' <NXenakis@cov.com>; 'Ermilus, Jae' <JErmilus@cov.com>; 'Djoukeng, Fran' <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Hello Again Chris, All,

I have received lit hold info from the Arizona Department of Child Safety and have updated and attached for your review the weekly lit hold report. Counsel for DCS want me to make it clear that these recipients do not necessarily represent custodians of any potentially responsive DCS records, and that such custodians cannot be identified or proposed until Meta provides a response to DCS' objections to the subpoena, and clarification regarding what exactly Meta seeks from DCS. Please let us know if you have now had a chance to review the response that DCS originally sent to Ms. Patchen on 8/7/24, and which we sent to you again, per below emails, on November 12 after you requested it on the night of November 11.

As to the issue of litigation holds, as we understand it, only the Arizona Board of Education remains outstanding; BoE continues to work on issuing a lit hold but their agency counsel has told me that the BoE staff through whom any litigation hold must be authorized and processed have been out of the office/out of town attending work-related

conferences and meetings. If I receive an update from the BoE before the week is out, I will supplement the weekly update later this week.

Thank You,

Nathan Whelihan

Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Whelihan, Nathan

Sent: Friday, November 15, 2024 10:06 AM

To: 'Yeung, Christopher' <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <Jermilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Hi Chris,

Based on your email below and our mutual understanding that 1) OSPB has provided proposals; 2) Meta has agreed to consider deprioritizing OEO, and 3) DCS would need Meta's cooperation before it can provide proposals, there are three agencies about which Meta is inquiring, the BoE, DHS, and ADE. Please find below the proposal from BoE as well as updates from DHS and ADE.

Here is the **Arizona Board of Education's (BOE)** response as to search terms and custodians as well as their status as to litigation holds:

1. Name and title of custodians used in the Arizona Board of Education's (BoE) search for documents responsive to the subpoena.
 - Sean Ross, Executive Director
 - Bruce DuPlanty, Deputy Director
2. The BoE has already run a search based on the following terms:
 - Meta
 - Facebook
 - Instagram
 - Snapchat
 - Snap
 - TikTok
 - YouTube
 - BeReal
 - Discord
 - GroupMe

- Kik
- Pinterest
- Omegle
- Reddit
- Twitch
- Tumblr
- WhatsApp
- Twitter
- YikYak
- "social media"
- "mental health"

3. BoE is still in process of issuing a litigation hold. BoE staff have been out-of-town attending to work-related matters.

Counsel for BoE has also stated that she is working on sending me the responsive documents that BoE has already gathered and I will get those to you as soon as they are conveyed to me.

The **Department of Health Services (DHS)** has informed me that they can provide their proposals for search terms and custodians by next Wednesday, 11/20.

The **Arizona Department of Education (ADE)** is running search terms including those proposed to ADE by Meta, has advised me that those searches are time consuming from a technical perspective, and is working towards a proposal as to search terms and custodians, but has not yet provided me with a date certain by which the agency will be able to make such a proposal. I will continue to follow up with ADE and let you know of any developments.

I have also provided you, attached, with the weekly lit hold update tracking sheet.

Thanks,

Nathan Whelihan

Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Wednesday, November 13, 2024 10:47 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <Jermilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

I'll try to be brief to further the goal of reaching an efficient resolution of the issues. You write that "the agencies have all agreed to provide search terms and custodians." When does Arizona expect to provide search terms and custodians for all agencies that Judge Kang deemed within the AZ AG's control in ECF No. 1117, other than for OEO and DCS?

With respect to DCS, when I said that Ms. Patchen was unable to locate anything "from DCS" following a search of her emails from August 7, 2024, that included anything from any Attorney General representing DCS. Again, I do not know what happened, but it does not appear that we ever received DCS's email from August 7, 2024 attaching written objections. But now that we have a copy of DCS's written objections, we will consider the agency's request for a written narrowing of the subpoenaed topics. In the meantime, when do you expect to provide us with information about the individual recipients of litigation holds at DCS?

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Wednesday, November 13, 2024 6:22 PM

To: Yeung, Christopher <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Hi Chris,

Thank you for the information as to DHS, we may have made an error in our notes on the issue; we now understand that Meta met with DHS once over the summer and refused to narrow the subpoena issued to DHS in any way.

Please find attached the email from Jennifer Ortman, an Arizona AAG, on behalf of the Arizona Department of Child Safety to Covington's Kate Patchen which appears to have been correctly addressed to the email address provided by Ms. Patchen in her cover letter dated July 24, 2024. Jenifer Ortman confirmed that she did not receive any indication that the email was undeliverable, and DCS further confirmed that the internal DCS Records email box, cc'd on Ms. Ortman's August 7th email, received the email on August 7th. We are unable to understand why Ms. Patchen is unable to locate the email other than to speculate that she did not look for things from the Arizona Attorney General on behalf of DCS but only for things "from DCS" as you state below. We have always made it clear to Meta that agency counsel in our office would represent DCS were they to receive a subpoena in this matter.

As to the larger issue here:

1. We do not understand what you propose to confer about with respect to the parties' reading of the various orders that have come out over the last few weeks, or what the issue is that you intend to brief on this front. Do you seek an advisory opinion from Judge Kang about the proper reading of the various orders on the issue? There is no "discovery dispute" over the reading of those orders as the agencies have all agreed to provide search terms and custodians and Meta has now provided the agencies with a terms proposal.
2. You continue to point to the passage of the November 1 deadline, but have never provided any proposed resolution to this "issue." We obviously cannot go back in time so the only thing we can do at this point is move forward so that the agencies can comply with the substantial completion deadline set by the Court. When we met and conferred last week, we reached agreement that the subpoenaed agencies would provide Meta with

the search terms and custodians they had used or would use in searching for responsive records, and that our office would confirm when they would provide those. Near COB last Friday, you provided us for the first time with a very long list of search terms and an added request that the agencies run those searches and also provide Meta with hit reports. Before we or the agencies even had a chance to digest the additional request, on the evening of the following Monday, a state holiday, you demanded that we engage in an H.2 conference on unspecified issues. You have now clarified that what you want to discuss is a “concrete timeline by which Meta will receive proposed terms and custodians, and when the Arizona AG will provide hit reports for Meta’s proposed terms.” We are happy to have a discussion with you about this request, including the additional request for hit reports that you have not yet discussed with us or the agencies, but it is neither a dispute at this point nor the proper subject of an H.2 conference, especially not one absent state agency counsel.

If you have in mind a “concrete timeline” or “concrete plan” that Meta would consider an “acceptable path forward,” please share that with us. Regardless, we will continue to reach out to the Arizona state agencies in order to assess their ability to run the searches you have proposed and provide hit reports, and to see if we can determine the exact timelines by which they can provide Meta with proposals for custodians and counter-proposals on search terms (Or in the case of BoE, provide the custodians and search terms they have already run in looking for responsive records.) I must also remind you, however, that Counsel for the Arizona Department of Child Safety has made it clear that they need Meta’s cooperation, in the form of a writing, in order for their client agency to be able to provide a meaningful proposal as to custodians or a counter-proposal as to search terms. Please let us know if Meta intends to engage with DCS on this point and we will be glad to facilitate a separate dialogue.

Thank You,

Nathan Whelihan

Assistant Attorney General

Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Tuesday, November 12, 2024 9:55 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

Apologies for the fast-follow. I did want to clarify one thing about the prior discussions about the subpoena issued to DHS. As I’ve previously told you before, while there was an initial call with the agency to discuss the documents whose production DHS should prioritize in connection with the subpoena, there was no agreement to narrow the subpoena to the DHS to only three years. To the extent DHS intends only to provide discovery for a three-year period, that is not correct.

Best,

Chris

From: Yeung, Christopher
Sent: Tuesday, November 12, 2024 11:37 PM
To: 'Whelihan, Nathan' <Nathan.Whelihan@azag.gov>
Cc: 'Dilweg, Laura' <Laura.Dilweg@azag.gov>; 'Hunsinger, Nyla' <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

As a quick follow-up on the AZ DCS's written objections, for whatever reason, it does not appear that we ever received the objections before today. Ms. Patchen has searched her emails from August 7, 2024 that contain an attachment, and was not able to locate anything from the AZ DCS.

Best,

Chris

From: Yeung, Christopher
Sent: Tuesday, November 12, 2024 10:21 PM
To: 'Whelihan, Nathan' <Nathan.Whelihan@azag.gov>
Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

Thank you for providing us with a copy of the DCS's written objections.

On your question about what might be the subject of letter briefing, the following seems apparent from your emails:

1. The parties still disagree about whether the Court's orders required the Arizona AG to propose search terms and custodians for subpoenaed agencies by November 1. Based on our emails and phone calls, it appears we are at an impasse on this issue, and the issue can be letter briefed for the November DMC as Judge Kang contemplated in his order. See ECF No. 1291.
2. The parties' dispute over item 1 aside, the Arizona AG has expressed a willingness to propose search terms and custodians for at least three of the four subpoenaed agencies identified in your email below. We appreciate this progress, but the Arizona AG has yet to provide any concrete timeline by which Meta will receive proposed terms and custodians, and when the Arizona AG will provide hit reports for Meta's proposed terms so that negotiations can proceed. This is not an acceptable path forward at this juncture; as we discussed on our last call, we need a concrete plan from the Arizona AG to remedy its failure to propose search terms and custodians by November 1.

To be clear, we believe that the parties should continue to work to see if there is a solution to (in our view) the Arizona AG's failure to propose custodians and search terms by the court-ordered deadline. But given the time and process

involved to even get to this point, and Judge Kang's directives in ECF No. 1291 about the timing of letter briefing, we think the disputed issues should be letter briefed in parallel, in case the parties are not able to resolve their dispute prior to the November DMC and need Judge Kang's guidance.

Please let us know your availability for an H.2 conferral tomorrow.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Tuesday, November 12, 2024 8:25 PM

To: Yeung, Christopher <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Chris,

To address your first point below, as requested, I have attached the objections to the Rule 45 subpoena served on the Arizona Department of Child Safety that I understand to have been emailed on behalf of DCS to Covington on August 7, 2024. It appears the letter was addressed to Covington's Kate Patchen, who also signed Meta's subpoena to DCS back in July.

To address your second point below, I must reiterate that the Arizona Attorney General's Office is not in violation of any of the operative orders. We disagree that the AZ agencies that received subpoenas are required to provide Meta with lists of search terms or custodians, but are instead to proceed with responding to the Rule 45 subpoenas they were issued, as ordered by Judge Gonzalez Rogers. However, in an attempt to move forward with substantial compliance with those subpoenas on the schedule ordered by Judge Kang, we arranged for counsel for the agencies to be available to confer with you last Thursday regarding their progress in responding to the subpoenas and their ability to provide the search terms and custodians they have used or will use to find responsive documents. Each of the agencies have agreed to work with Meta towards finalizing search terms and custodians. The only two agencies that have not already made proposals on these points or affirmatively agreed to provide Meta with such proposals in the near future made it clear during that meeting that this is because they were *unable* to do so. In the case of OEO this is because the agency is not likely to keep any relevant or responsive records. In the case of DCS, this is because Meta's requests to the agency need to be narrowed before it would be possible for DCS to propose search terms or custodians that would not cover every employee and all records of the agency over the course of the last 12-years; DCS conveyed the underlying issue to Covington on August 7, 2024 and received no response.

Here is how we understand things to stand on a per agency basis:

Agencies that have not received Rule 45 subpoenas:

- **OSPB**, which remains represented by Counsel for the Governor's Office (which Meta issued a Rule 45 subpoena to for the first time just last week), provided a proposal to Meta for search terms and custodians on November 1, in accordance with the relevant orders. Meta provided a counter-proposal to OSPB last Friday, November 8. This proposal incorporated almost all of the terms proposed by OSPB and proposed that OSPB run approximately 400 additional terms organized into 48 groupings of terms which themselves are split into four "term categories", and also proposed that these term categories be run in multiple sets in conjunction with one

another. Given that OSPB received these terms late in the afternoon on Friday, and that Monday was Veteran's Day and a state holiday in Arizona, OSPB has had just one full business day to consider and respond to this counterproposal.

- **OEO** has not proposed search terms or custodians because it does not believe that OEO is likely to keep any responsive records; Meta has agreed to consider "deprioritizing" OEO.

Agencies that received Rule 45 Subpoenas:

- **ADE**, which remains represented by Counsel at ADE, agreed to propose search terms and custodians during our call last Thursday. I am awaiting confirmation from ADE as to the custodians they would wish to propose, and what search terms they would now like to propose. Given that Meta proposed terms to ADE on Friday afternoon, ADE may need additional time to consider those before proposing its own search terms and custodians. ADE has had just one full business day to consider Meta's proposal as to search terms.
- **BoE** agreed to provide Meta with the custodians and terms it ran to search for documents in response to the Rule 45 subpoena that Meta served on the Board, and it is my understanding that BoE may be able to get those to you (through myself) by the end of this week. BoE also received Meta's proposed search terms Friday afternoon and have had just one full business day to consider Meta's proposal.
- **DHS** said they would be willing to run search terms and propose custodians and expressed concerns about the volume of records that could result from such searches. DHS previously met and conferred with your office to narrow the scope of the subpoena to a three-year period. DHS also received Meta's proposed search terms Friday afternoon and have had just one full business day to consider Meta's proposal.
- **DCS**, as we have discussed in previous emails, would need Meta, in writing, to narrow what it is seeking so as to not include all records kept by the agency over the course of the last 12-years before it could propose its own custodians and search terms. DCS also received Meta's proposed search terms Friday afternoon and have had just one full business day to consider Meta's proposal.

We left our conference last Thursday with the understanding that we had reached agreement that the four Rule 45 subpoena agencies identified above would provide Meta with search terms and custodians as outlined above, and that our office would follow up with them to determine a date by which they could each do so. Thus, we do not understand what issue you believe could possibly require briefing, or what other resolution (that we have not yet discussed) you are proposing. Please advise, as we would like to be able to advise the agencies whether they should proceed with the discovery plan we agreed upon last week.

Thank You,

Nathan Whelihan

Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Monday, November 11, 2024 7:33 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>; Dilweg, Laura <Laura.Dilweg@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

I write to follow-up about two items.

First, on our November 7 call, the Department of Child Safety stated that it had served Meta with written objections to Meta's subpoena on August 7, 2024. Can you please let us know to whom they sent those written objections, or provide us with a copy of them? We have been unable to locate a copy of the Department of Child Safety's objections.

Second, in terms of next steps, we appreciate that you now are working with several of the Arizona agencies whom Judge Kang deemed within the Arizona AG's control to propose search terms and custodians. But already we are ten days past the court-ordered November 1 deadline for Arizona to make its search term and custodian proposal, and we have only received a proposal for a single Arizona agency. Arizona also has not provided us with a date by which it will provide us with proposed search terms and custodians for the rest of its at-issue agencies (other than the OEO, which Meta is considering de-prioritizing). As such, we will need to convene an H.2 conferral tomorrow or Wednesday to see if the issue of Arizona's non-compliance with the Court's orders needs to be letter briefed before the November DMC. Please let us know what times you are available for an H.2 conferral, and please be prepared to provide us with dates by which we should be receiving proposed search terms and custodians for the remainder of the at-issue Arizona agencies.

Best,

Chris

From: Yeung, Christopher

Sent: Friday, November 8, 2024 11:06 PM

To: 'Whelihan, Nathan' <Nathan.Whelihan@azag.gov>; Dilweg, Laura <Laura.Dilweg@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

I don't believe your email captures how the call unfolded accurately. But because I think we are generally on the same page about where we are, rather than engage in an extended back-and-forth about how we got there, I write only to say that any suggestion that we were not willing, ready, and able to discuss the scope of the subpoena to DCS in good faith. Indeed, as you note, during the call, we agree that DCS would not need to search individual case files for the children that it services.

You write that "Meta is interested in 'aggregate data'". To avoid any confusion, my reference to "aggregate data" was intended only as an illustrative contrast to the individual case files that DCS would not need to search.

You also write that "Meta is not seeking research performed by DCS (because as Counsel for DCS explained DCS does not carry out such research), but rather, is seeking research that DCS consults at a systemic level." To clarify, we would be interested in research performed by DCS if any existed. We also are interested in receiving responsive research that DCS possesses, whether "DCS consults" such research "at a systemic level" or not.

Thank you for providing the identifies of two proposed DCS custodians. We still, however, do not have information about individual litigation hold recipients at DCS. Can you please provide such litigation hold information? It will help us evaluate the sufficiency of the proposed DCS custodians.

In terms of any Arizona production, I will separately follow-up with the names of those who should receive access.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Friday, November 8, 2024 7:03 PM

To: Yeung, Christopher <cyeung@cov.com>; Dilweg, Laura <Laura.Dilweg@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Chris,

Thank you for sending along proposed search terms, I have forwarded them on to the respective agencies and we will get back to you sometime next week after we have had a chance to review them.

Also, for the record, while I think we are close to being on the same page as to what transpired on yesterday's call, we would offer the following clarifications and corrections.

Counsel for the Department of Child Safety appeared in good faith in an attempt to negotiate a narrowing of the subpoena, in light of the comprehensive written objections it served on August 7, to which Meta never responded. Counsel is not requiring that Meta "reissue" a Rule 45 subpoena or that Meta "start over", as you stated during the call. In fact, DCS is currently working on gathering potentially responsive documents for an initial production. Counsel for DCS did ask for you to either respond to DCS's written objections or provide written clarification/specifics as to what Meta is looking for, after you clarified yesterday, for the first time, that you would not be seeking the information contained in the individual case files for every child DCS serves or has served over the past 12-years, whether those files are maintained in DCS's Guardian database or elsewhere. DCS counsel also stated that without such clarification, it is difficult to identify custodians beyond the two DCS custodians of records with whom counsel have been working to attempt to identify potentially relevant documents. In addition, DCS counsel explained why the subpoena as written would encompass searching practically every record that the department keeps, and explained the mission and daily work of DCS, including that DCS exists to protect children subjected to abuse and neglect (not to conduct general research on the causes of child mental health issues) and to that end, is involved in 8,000-10,000 cases in active litigation that call for the production of hundreds of thousands of documents on a monthly basis. DCS counsel was prepared to negotiate specific requests contained in the subpoena, including identifying requests that call for the production of documents not in DCS's possession, but when they attempted to seek clarification on Request 22, you repeatedly directed the conversation to the subject of litigation holds.

It is our understanding that you agreed to the following with respect to the DCS subpoena:

- Meta is not expecting DCS to search individual case files, including those maintained in the Guardian database or elsewhere.
- Meta is interested in "aggregate data."
- Meta is not seeking research performed by DCS (because as Counsel for DCS explained DCS does not carry out such research), but rather, is seeking research that DCS consults at a systemic level.
- Meta will provide proposed search terms to DCS (which it has now done). As DCS counsel explained, it is difficult to come up with search terms in the absence of Meta providing any clarification or narrowing of its requests in

the three months since DCS served written objections. As you state below, DCS counsel expressed a willingness to work with and evaluate any search terms that Meta might be willing to propose to DCS.

- Meta will accept links to publicly available responsive documents.

Regarding the litigation holds and custodians, DCS counsel confirmed that a litigation hold was sent to DCS in late August, which DCS further distributed in late September. Specifically, the litigation hold was sent to DCS on August 26 and further disseminated by DCS on September 30. DCS can provide the names of two custodians of records at this time (see below), and as explained during the call, DCS can provide additional custodians once further clarification is provided as to what Meta is seeking from DCS.

Mark Ewy

Program Administrator for Legal Services
Arizona Department of Child Safety

Steven Hintze

Program Administrator
Enterprise Business Intelligence and Business Analysis
Department of Child Safety

Also, while you are correct that we did not discuss OSPB's proposed search terms and custodians, and Counsel for OSPB was unable to attend the call, we are not certain that the only reason for the lack of discussion was due to the lack of their attendance; our understanding is that Meta was also not prepared to provide any counter-proposal to OSPB at yesterday's meeting. In any case, you have now provided that counter-proposal and it has been communicated to counsel for OSPB.

Finally, I am working on getting you what I have from ADE that has been collected in response to Meta's Rule 45 subpoena issued to ADE. For the record, it is still the case that neither I nor anyone at AGO represent ADE in this matter, who remains represented by Maria Syms with ADE, but because I have been able to receive voluntary cooperation from ADE to this point, I am working in good faith and in accordance with orders as they currently stand to facilitate the production of this material. I repeat my request for clarification as to who at Covington you would like the file share link sent to. If I do not receive clarification I will assume it is all of the Covington attorneys on this email chain. I will most likely be able to get this out to you on Tuesday after the holiday.

Thank You,

Nathan Whelihan

Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Friday, November 8, 2024 3:20 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>; Dilweg, Laura <Laura.Dilweg@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas

<NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

I attach proposed search terms as you requested. As you can see, for the sake of moving this along more efficiently, we have proposed terms for each of the agencies subject to Judge Kang's September 6 order. We did want to add a few additional notes:

- As you know, the OSPB is the only agency that provided us with terms previously. While we appreciate the proposal, the terms were underinclusive in our view. The "Other Agency" combinations apply to OSPB, and should include the ones in the OSPB proposal, except the "Individual search phrases" that OSPB proposed. We ask that the "Individual search phrases" also be separately run by OSPB.
- While we consider the request to drop the Office of Economic Opportunity from discovery, there is no need to run search terms against that agency (including because, as I understand it, the agency is not sure which custodians to propose).

Please let us know if you have any questions or would like to discuss. In accordance with the ESI Protocol in this action, we also ask that we be provided with search term hit reports for any proposed agency custodians. Meta reserves all rights.

Best,

Chris

From: Yeung, Christopher

Sent: Friday, November 8, 2024 1:04 AM

To: 'Whelihan, Nathan' <Nathan.Whelihan@azag.gov>; Dilweg, Laura <Laura.Dilweg@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

Thank you. So that we are on the same page, you agreed to work with the Board of Education, the Department of Education, and the Department of Health Services to get us search terms and custodians for our review. For the Department of Child Safety, the request was that Meta either reissue a narrowed subpoena, respond in writing to their written objections with narrowed requests, or provide proposed search terms for consideration. The Office of Economic Opportunity provided some additional information about their agency, and asked that we drop them from discovery. No one from OSPB was in attendance, so we did not discuss that agency substantively.

As we noted on the call, while we appreciate that we should be receiving proposed terms and custodians for several more Arizona agencies soon, we remain concerned about the timing of such disclosures, especially in light of the passage of the court-ordered November 1 deadline for such disclosures that Judge Kang set. We are considering next steps, and reserve all rights.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Thursday, November 7, 2024 7:45 PM

To: Yeung, Christopher <cyeung@cov.com>; Dilweg, Laura <Laura.Dilweg@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Hi Chris,

Thank you for your time on the call that took place earlier this afternoon. I think we were able to make significant and substantial progress.

I am sending along the ordered weekly update on litigation holds in the attached Excel spreadsheet in order to get what I currently have into your hands now; if I get any additional information from DCS or BoE before the week is out I will get that to you as soon as it is conveyed to me, but I think it sounds like lit hold information for those agencies is not likely to be in my hands by tomorrow. You still have the lit hold/custodians from OSPB that I attached last Friday.

Tomorrow I will take a closer look at the ESI protocol and what I have received from ADE and work towards acting as the facilitator to get to you what the Arizona Department of Education (ADE) collected in response to the Rule 45 subpoena it was issued. I think to this point the Arizona AG has only produced documents through lead states, so once I get things ready for production I may be reaching out with questions as to the preferred mechanics for production – although I assume a secure file transfer from us to the people on this email at Covington should work in skimming the ESI protocol.

Will be in touch again soon.

Thank You,

Nathan Whelihan

Assistant Attorney General

Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Thursday, November 7, 2024 1:51 PM

To: Dilweg, Laura <Laura.Dilweg@azag.gov>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Laura,

Thank you. I wanted to clarify the precise disputed issue. Judge Kang ordered the Arizona AG to propose search terms and custodians for the agencies covered by his September 6 order by November 1. ECF No. 1291, 1299. On November 1, the Arizona AG provided proposed search terms and custodians for only one such agency. For such Arizona agencies who also received subpoenas from Meta, the Arizona AG took the position that an October 30, 2024 order by Judge Gonzalez Rogers (ECF No. 1292) "divides the agencies at issue in Arizona (and elsewhere) into two separate buckets and orders different courses of action for those that have received Rule 45 subpoenas as opposed to those that have not." November 2, 2024 email from N. Whelihan. As you know, Meta disagrees, and views the Arizona AGs' failure to propose search terms and custodians for the subpoenaed agencies that Judge Kang deemed within the Arizona AG's control to be in violation of Court orders, including ECF Nos. 1291 and 1299.

Accordingly, the issue in dispute for discussion today is whether the Arizona AG has complied with the Court's orders. We think the Arizona AG has not, but we are willing to discuss the issue. We also are willing to discuss what the Arizona agencies have to say about search terms and custodians. But to be clear, the disputed issue is the Arizona AG's failure to comply with a court-ordered deadline to provide agency search terms and custodians by November 1.

In terms of the timing of an H.2, Judge Kang's order contemplated the parties letter briefing disputes like this one in time for the November DMC. ECF No. 1291. We can discuss more today, but if an H.2 still is necessary at the conclusion of today's call, we believe it should be scheduled in a manner consistent with that timing, and to avoid further delay.

Meta reserves all rights.

Best,

Chris

From: Dilweg, Laura <Laura.Dilweg@azag.gov>

Sent: Thursday, November 7, 2024 2:43 PM

To: Yeung, Christopher <cyeung@cov.com>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Chris,

We understand the discovery dispute to be discussed today to be whether four of the six Arizona agencies at issue in Judge Kang's orders (Department of Child Safety, Department of Education, Department of Health Services, and State Board of Education) are required to provide Meta with search terms and custodians in light of Judge Gonzalez Rogers' October 30 order. If we are unable to negotiate a resolution of that dispute today, we are amenable to engaging in a further H.2 meeting on the issue, but cannot commit to a meeting on Monday or Tuesday of next week given that Monday is a state holiday and we do not yet know whether (or which) agency counsel will need to be involved in the discussion and what their availability is. We can discuss further this afternoon as needed.

Thank you,

Laura

Laura Dilweg

Chief Counsel

Consumer Protection & Advocacy Section



Arizona Attorney General Kris Mayes
 2005 N. Central Ave.
 Phoenix, AZ 85004
 Desk: (602) 542-5487
Laura.Dilweg@azag.gov
<http://www.azag.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Yeung, Christopher <cyeung@cov.com>
Sent: Wednesday, November 6, 2024 9:37 PM
To: Dilweg, Laura <Laura.Dilweg@azag.gov>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>
Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Laura,

We did propose a resolution from the start: hours after the Arizona AG failed to provide search terms and custodians in accordance with Judge Kang's orders, on November 1, we asked the Arizona AG to "[p]lease provide us with search terms and custodians for all AZ agencies that Judge Kang deemed within the AG's control immediately." And since the issue in dispute is whether the Arizona AG has complied with the Court's orders, our discussion with the Arizona AG seems sufficient to involve all parties involved in the dispute.

In any event, our goal is to reach an "efficient resolution" consistent with the orders of Judges Kang and Gonzalez Rogers. Rather than debating whether we can deem tomorrow's call to be an H.2 or not, we propose proceeding with tomorrow's call, and at the same time scheduling a follow-up call on Monday or Tuesday that can be deemed an H.2 if we are unable to resolve our issues tomorrow, so that letter briefing on any remaining disputes can be submitted prior to the November DMC as Judge Kang contemplated. See ECF No. 1291. Please provide us with your availability for such a follow-up call on Monday or Tuesday.

Best,

Chris

From: Dilweg, Laura <Laura.Dilweg@azag.gov>
Sent: Wednesday, November 6, 2024 5:27 PM
To: Yeung, Christopher <cyeung@cov.com>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>
Cc: Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <JErmilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Chris,

We do not agree that an email exchange between your office and ours in which Meta disagreed with our reading of Judge Gonzalez Rogers' October 30 order constitutes "reasonably diligent efforts to confer and attempt to negotiate a resolution" of a dispute. Meta has never proposed a resolution to any supposed dispute, and has never provided "counsel for all parties (or third parties [i.e. the affected AZ agencies]) involved in the dispute" an opportunity to negotiate any such resolution.

We have arranged to have counsel for the agencies, including the agencies that have received Rule 45 subpoenas, available for a meet and confer call tomorrow. We hope that Meta will come prepared to engage in a good faith conference to resolve any outstanding disputes, as contemplated by Judge Kang in his standing order. We can discuss the necessity of an H.2 conference after that occurs.

Thank you,
Laura

Laura Dilweg

Chief Counsel

Consumer Protection & Advocacy Section



Arizona Attorney General Kris Mayes
2005 N. Central Ave.
Phoenix, AZ 85004
Desk: (602) 542-5487
Laura.Dilweg@azag.gov
<http://www.azag.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Yeung, Christopher <cyeung@cov.com>

Sent: Wednesday, November 6, 2024 12:41 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; Xenakis, Nicholas <NXenakis@cov.com>; Ermilus, Jae <Jermilus@cov.com>; Djoukeng, Fran <FDjoukeng@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

I disagree with your assessment. The Arizona AG failed to provide proposed search terms and custodians, and individual litigation hold information, for nearly all state agencies covered by Judge Kang's September 6 order, despite multiple Court orders specifically requiring the Arizona AG to disclose such information to Meta by November 1, 2024. See ECF Nos. 1292, 1299. Since then, consistent with H.1's provision permitting conferral "by . . . e-mail," we have exchanged six emails where the Arizona AG has made clear that it would not be providing search terms and custodians, and individual litigation hold information, for Arizona agencies that Meta subpoenaed, and we have made clear that the Arizona AG's failure to provide such information violates court orders. Accordingly, we believe that we have satisfied H.1's conferral requirements on this issue, and will be deeming Thursday's conferral an H.2.

We look forward to speaking with you and agency counsel on Thursday.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Wednesday, November 6, 2024 2:15 PM

To: Yeung, Christopher <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Hi Chris,

Thank you for sending out the invite for Thursday afternoon. We will take care of forwarding the invitation to those who will attend on our side.

We cannot agree to treat Thursday's conferral as an H.2 conference. While we have communicated that we disagree with Meta's assertions that we are in "non-compliance with the Court's orders on state agency discovery" we believe we have not yet followed the procedures laid out by H.1 whereby "Counsel for all Parties (or third parties) involved in the dispute shall undertake reasonably diligent efforts to confer and attempt to negotiate a resolution of the dispute". We do not believe that we, or the Arizona agencies and their counsel, have been afforded any opportunity to confer with Meta in an attempt to negotiate a resolution of any dispute. Only after counsel for the parties or third parties have engaged in such an effort may a party make a request for an H.2 conference. We have not reached that point yet.

We have arranged for counsel for the various agencies to be present tomorrow and look forward to a meaningful meet and confer.

Thank You,

Nathan Whelihan

Assistant Attorney General

Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Tuesday, November 5, 2024 6:10 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

We obviously disagree with your version of how we got where we are. But in any event, we are available to meet and confer at 2:30 pm AZ time / 4:30 ET on Thursday. We will circulate a calendar invite to the AZ AG attorneys in this email chain, but please let us know who else we should invite.

Please treat Thursday's conferral as the H.2 conferral on Arizona's non-compliance with the Court's orders on state agency discovery. In particular, we have yet to receive proposed search terms and custodians, and individual litigation hold information, for nearly all state agencies covered by Judge Kang's September 6 order, despite the Arizona AG being expressly ordered to provide such information by November 1, 2024. See ECF Nos. 1291, 1299. We fundamentally disagree with your position that Judge Gonzalez Rogers' October 30 order excuses the Arizona AG from proposing search terms and custodians for agencies whom Meta subpoenaed, and believe that the parties are at an impasse on the issue.

Additionally, if we are unable to resolve the dispute at the H.2 conference on Thursday, we would like to discuss a letter briefing exchange schedule that would result in the submission of letter briefs by November 15 so that Judge Kang can consider the issue at the next DMC, as provided in his order. See ECF No. 1291.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Tuesday, November 5, 2024 7:07 PM

To: Yeung, Christopher <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Chris,

Obviously, our understanding of the orders that have been issued, including Magistrate Kang's most recent order, are at odds. In any case, we will continue to endeavor to "facilitate productions for and negotiations on behalf of" the six Arizona agencies at issue to the extent that we are able to do so.

I am at something of a loss as to what you mean when you say "Your suggestion that Meta wait until receiving documents from the four subpoenaed agencies deemed within the Arizona AG's control also is contrary to an "[e]fficient resolution of this issue." We have not suggested that Meta wait for anything. In fact, we believe that Meta would already be in possession of documents from at least some Arizona agencies had it not held the Rule 45 subpoenas in abeyance in September, or had it more actively engaged with agencies regarding the subpoenas after issuing them in July and August, or had it issued those subpoenas in the first instance at the beginning of this calendar year when this first became an issue and when Arizona and other states offered to identify appropriate parties and facilitate the issuance of such subpoenas.

As things now stand, we believe that the most efficient resolution of the issue as to the agencies who have received subpoenas would be to follow the directive in ECF No. 1292 that "Meta and the AGs shall **immediately resume and continue document productions** based on the contents of and responses to" Rule 45 subpoenas, to the extent those subpoenas have been issued to agencies in Arizona.

To that end, we would like to facilitate a call this Thursday afternoon at either 2:30 or 4:30pm (Arizona/Mountain Time). For Meta's convenience, we hope that this call can serve the dual purpose of discussing how to best resume document production in response to Rule 45 subpoenas for the four agencies that have received subpoenas, and also, by discussing

search terms and custodians, satisfy our obligation to meet and confer regarding proposed search terms and proposed custodians as ordered by Magistrate Kang. Please advise us if you would be amenable to either of the proposed times.

Thank You,

Nathan Whelihan

Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Monday, November 4, 2024 12:23 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

Arizona's position is directly contrary to Judge Kang's order that it provide, by November 1, search terms and custodians for all six agencies previously deemed within the Arizona AG's control in Judge Kang's September 6 order. ECF No. 1291. Your assertion that ECF No. 1292 somehow altered that obligation misreads the order; among other things, ECF 1292 expressly states that Judge Kang's September 6 order "is not stayed," and directs the AGs to "facilitate productions for and negotiations on behalf of the agencies." ECF No. 1292. And after ECF 1292 was issued, Judge Kang again confirmed that Arizona "**SHALL** identify custodians and propose search terms by **November 1, 2024**." ECF No. 1299 (emphasis in original). Tellingly, your email ignores Judge Kang's latest order.

Your suggestion that Meta wait until receiving documents from the four subpoenaed agencies deemed within the Arizona AG's control also is contrary to an "[e]fficient resolution of this issue." ECF No. 1292. No Arizona agency has produced any documents to Meta to date. In response to subpoenas, the Arizona Board of Education served objections nearly two weeks after Judge Kang's September 6 order deemed the agency within the AG's control, and disclosed that the agency would not be producing any documents. The only substantive discussion that Meta had with any of those four agencies were separate preliminary calls with the Department of Health Services (August 29) and Department of Education (September 6), in which the parties discussed what documents to prioritize for production, but that never resulted in any actual productions, or agreements about what a complete production would look like from these agencies. While the four subpoenaed Arizona agencies should produce the documents that they have collected in response to the subpoenas immediately, we believe that the Arizona AG should facilitate a call with them now so that we can understand what efforts they are taking, and what documents to expect from them.

Please provide us with some times this week that the Arizona AG and counsel for each of the six Arizona agencies deemed within the Arizona AG's control are available to meet and confer. To facilitate such a call, we note that Judge Kang stated that "[t]o the extent possible, the State AG and any agency counsel shall appoint a lead negotiator for their side, to expedite negotiations." ECF No. 1299. We can discuss on the call your request that the Office of Economic Opportunity be dropped from discovery, but we request the other agencies from whom we have yet to receive any

proposed custodian, search term, and litigation hold information provide that information in advance of the call: the Department of Child Safety; Department of Education; Department of Health Services; and State Board of Education.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Saturday, November 2, 2024 7:42 PM

To: Yeung, Christopher <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Chris,

We disagree with Meta's reading of ECF 1292 entered by Judge Gonzalez Rogers. It is apparent to us that her order divides the agencies at issue in Arizona (and elsewhere) into two separate buckets and orders different courses of action for those that have received Rule 45 subpoenas as opposed to those that have not. As to the agencies that have received subpoenas, the parties are to immediately resume document productions "based on the contents of and responses to those Rule 45 subpoenas." As to the agencies that have not received subpoenas, the parties are to "comply with Magistrate Judge Kang's orders regarding timing and procedures to complete this discovery, including finalizing relevant custodians, search terms, and the scope of relevant documents."

As I am sure you are aware, the Arizona agencies that have received subpoenas all responded to those subpoenas over the course of the summer, and although it is now my understanding that Meta chose not to follow up after receiving the responses and objections it received from at least two Arizona agencies, multiple Arizona agencies are in the process of producing the records they collected in response to Meta's subpoenas. If Meta has an issue with the responses they have received or will receive, AGO will facilitate negotiations between Meta and those agencies as ordered by Judge Gonzalez Rogers. ("The AGs shall facilitate productions for and negotiations on behalf of the agencies in their respective states and Meta shall not unilaterally cease ongoing negotiations with agencies during the pendency of this Court's review.")

We have complied with the orders of the court and repeat our request for dates and times next week to meet and confer regarding the search terms and custodians of the AZ agencies that were not issued subpoenas so that we can more effectively coordinate possible times with the multiple involved parties on our side.

Thank You,

Nathan Whelihan

Assistant Attorney General

Consumer Protection & Advocacy

Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov


<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>
Sent: Friday, November 1, 2024 8:59 PM
To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>
Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

Nathan,

Thank you for the response. Unfortunately, it falls far short of complying with the orders of the Court. Nothing in ECF 1292 absolves the AZ AG of proposing search terms and custodians for all agencies that Judge Kang deemed within the AZ AG's control in his September 6 order – whether the agency received a Rule 45 subpoena or not. Indeed, ECF 1292 explicitly held that Judge Kang's order "is not stayed" and that "[t]he AGs shall facilitate productions for and on behalf of the agencies in their respective states." ECF No. 1292. And today, Judge Kang confirmed once again that AZ (and 13 other "holdout" states) "**SHALL** identify custodians and propose search terms by **November 1, 2024**." ECF No. 1299; *see also* ECF No. 1291 ("By November 1, 2024, each State AG for Arizona . . . shall provide to Meta a proposed list of state agency custodians likely to possess information relevant to this litigation or responsive to Meta's discovery requests served on the State AGs, along with a proposed set of search terms to be used to locate such responsive documents.").

Please provide us with search terms and custodians for all AZ agencies that Judge Kang deemed within the AG's control immediately. Please also coordinate a meet and confer with the AZ AG and AZ agencies (including those that Meta subpoenaed) in a manner that is consistent with Judge Kang's orders, and let us know some times when the AG and those agency counsel (or their appointed lead negotiator) is available next week for a call. *See* ECF No. 1299 ("All counsel (for Meta, the States, and the agencies) shall cooperate and coordinate scheduling of and participation in meet and confers so as to have all Parties present at one time, instead of requiring Meta to schedule and conduct hundreds of separate meet and confers across all of the agencies. To the extent possible, the State AG and any agency counsel shall appoint a lead negotiator for their side, to expedite negotiations.").

Meta reserves all rights.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>
Sent: Friday, November 1, 2024 10:05 PM
To: Yeung, Christopher <cyeung@cov.com>
Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer - AZ

[EXTERNAL]

Hi Chris, All,

I am writing on behalf of the Arizona Attorney General's Office to provide Meta with a weekly update on litigation hold information which you can find attached to this email as an Excel file. I believe the attachment speaks for itself but please let me know if you have any questions.

Furthermore, I write in an attempt to convey "a proposed list of state agency custodians likely to possess information relevant to this litigation" with respect to the Arizona Office of Economic Opportunity ("OEO") and the Governor's Office of Strategic Planning and Budgeting ("OSPB"), in accordance with ECF 1292 and given that these are the Arizona agencies to which Rule 45 subpoenas were not issued.

Arizona Office of Economic Opportunity

As background, the Arizona Office of Economic Opportunity coordinates workforce development strategy and evaluation, monitors the state's tax and regulatory competitiveness, and produces labor market, economic and demographic research and analysis. Its mission is to strengthen Arizona's workforce and economy. OEO is not a mental health agency and does not study the effects of social media on youth.

Given this background, and upon review of the RFPs at issue, OEO does not believe it has any records relevant to this litigation. OEO has not been able to identify any individual custodian(s) who is likely to possess information relevant to this litigation or responsive to the RFPs. As a result, OEO is unable at this time to offer any custodians or search terms, as there would be no custodial records against which such terms could be run.

Governor's Office of Strategic Planning and Budgeting

As our office has previously represented to Meta, Magistrate Kang, and Judge Gonzalez Rogers, the Arizona Attorney General does not represent OSPB. For all intents and purposes, OSPB is a part of the Governor's Office, over which Magistrate Kang's ruling recognized our office to lack control. Despite Magistrate Kang's finding that our office does represent and control OSPB, it remains a simple reality that AGO does not represent or control OSPB.

That said, please find attached the response AGO received from the Office of Governor Katie Hobbs on this issue.

Finally, please provide us with windows of times you will be available to meet and confer next week.

Thank You,

Nathan Whelihan

Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Whelihan, Nathan

Sent: Friday, October 4, 2024 3:22 PM

To: 'Yeung, Christopher' <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; 'Simonsen, Ashley M' <asimonsen@cov.com>; 'Schmidt, Paul' <pschmidt@cov.com>; 'Halperin, Gregory' <GHalperin@cov.com>; 'Grigsby, Stacey' <SGrigsby@cov.com>; 'Hester, Timothy' <thester@cov.com>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

Hi Chris,

Thank you (as well as Jae and John) for taking the time to meet and confer with us yesterday, we appreciate you meeting with Laura and myself for the first time and explaining your positions to us.

As we now understand your position, Meta believes that the “proper place to start” (and/or “first step” and/or an “essential step” in) the process of complying with Judge Kang’s order, would be for the Arizona Attorney General to, by today’s date, provide a firm commitment to opt-into “Meta’s proposed process” by providing a proposal for a date certain by which our office can do all of the following:

- 1) Compile and provide to Meta, for Meta’s review, a list of custodians for each of the 6 state agencies over which we have been found to have control of for the purposes of discovery in this matter;
- 2) Compile and provide to Meta, for Meta’s review, a list of search terms for these 6 agencies (including both any search terms that may have been run already by agencies attempting to comply with the Rule 45 subpoenas that Meta previously served, and is now holding in abeyance, as well as a presumably “universal” list of prospectively proposed search terms);
- 3) Identify to Meta any RFPs that we believe may not be addressed by the above described custodian and search term proposal, and;
- 4) Come up with a separate proposal or separate proposals “for identifying potentially responsive documents to such RFPs across all agencies whose documents are within the AGs’ control (including any proposed narrowing)”

As a justification for this proposed process, you conveyed to us yesterday that Meta cannot be comfortable with a production from the Arizona Attorney General’s Office unless the above process is first agreed to and carried out. And, although you made it clear that Meta’s position is also that Arizona agencies should be dual-tracking efforts to search for, collect, and produce documents in advance of the completion of Meta’s proposed process, we still fail to understand *why* Meta is pre-emptively uncomfortable and how it would make sense for Arizona agencies to begin searching for and producing documents to Meta when Meta has already pre-determined that it would not be comfortable with such a production, and when we have not yet had the occasion to discuss other practical matters, including but not limited to, the potential narrowing of RFPs and what we believe would be a critical discussion as to the specific way in which Meta considers the Rule 45 subpoenas issued to 4 of the 6 Arizona agencies to be a “subset” of the 49 Arizona RFPs. (Given that you have now made it clear to us that you will not consider a response to the Rule 45 subpoenas to be a sufficient response)

Nevertheless, we now more fully understand and appreciate your proposed process and would like the opportunity to consider whether or not the Arizona Attorney General’s Office would be willing and able to opt-in. Unfortunately, there is no way that we can make a firm commitment by Meta’s proposed deadline of today. In order to determine if we would be able to agree to your process we would need more time to reach out to counsel for each of the 6 Arizona agencies, determine the feasibility of what Meta proposes, and then gauge how much time we anticipate it would take us to execute the process as to various agencies.

As such, please let us know if Meta would consider providing an extension to Meta’s proposed deadline as to the Arizona Attorney General’s Office so that we may be able to fully consider and respond to your proposal.

Also, I wanted to let you know that I will be on vacation and out of the country for all of the next two weeks, and so will be relying on Laura, unable to join calls, and/or delayed in my responses to communications.

Thank You,

Nathan Whelihan
Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Whelihan, Nathan

Sent: Tuesday, October 1, 2024 1:35 PM

To: 'Yeung, Christopher' <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

Hi Chris,

We find it unfortunate the extent to which you disagree with the statements in our email below, remain interested in an explanation of how conferring with Meta regarding agency custodians and search terms is necessary or warranted under the circumstances, and disagree with some of the characterizations of events to date in your email. Nevertheless, we continue to look forward to the opportunity to meet and confer so that we might be able to work with you towards a mutually agreeable and reasonable date for the Arizona agencies at issue to substantially complete their respective productions of documents.

We are available Thursday at 1:30 PM AZ Time (4:30 EST), I will have a meeting invite sent out shortly.

Thank You,

Nathan Whelihan

Assistant Attorney General

Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

From: Yeung, Christopher <cyeung@cov.com>

Sent: Monday, September 30, 2024 7:50 PM

To: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

Nathan,

Thank you for your email. We are available to meet and confer on Thursday from 11:30 – 12:30 MT / 1:30 – 2:30 ET, and 2:30 – 3:30 MT / 4:30 ET to 5:30 ET. Please let us know what time works for you.

We disagree with a number of the statements in your email.

First, the AZ AG has had ample “opportunity to meet and confer” with us. Starting two days after Judge Kang’s order, we reached out multiple times to the AGs of all MDL states asking to meet and confer as Judge Kang directed. We also conducted two videoconferences to which all AGs were invited – including an H2 conference where we specifically asked to discuss whether “the state AGs agree to a document production process that involves negotiated state agency custodians and search terms”. While certain lead AGs led the discussion on both of those calls, on each we specifically asked all other AGs to respond to our questions and to state their positions.

Second, we do not understand the burden that the AZ AG is claiming with respect to disclosing custodians and search terms. Are AZ agencies utilizing search terms and custodians to collect documents that are responsive to Meta’s RFPs? If they are, then there should be little additional burden in compiling these search parameters and disclosing them to Meta.

Please confirm prior to our call whether the AZ agencies are using search terms and custodians to collect responsive documents for production. If AZ agencies are not using a process that involves search terms and custodians, then it sounds like we will remain at impasse with the AZ AG. Indeed, a process that involves search terms and custodians is the same type of process that the AGs insisted that Meta utilize for its custodial document production.

Third, you seek to justify withholding custodian and search term information on the basis that “Meta would have no idea who any of the custodians within the various state agencies are, and Meta will not be conducting the searches.” That rationale improperly seeks to use the existing opacity of the AZ AG’s search process to justify keeping its search process a secret. We also do not understand why different discovery rules should apply to the AZ AG than the defendant that it decided to sue; as you know, we made extensive disclosures to Plaintiffs (including the AGs) with respect to both Meta custodians and also search terms, including sharing information with Plaintiffs about why Meta selected the custodians it did and why they were likely to have uniquely relevant information (and why certain of Plaintiffs’ proposed custodians were not).

Meta reserves all rights.

Best,

Chris

From: Whelihan, Nathan <Nathan.Whelihan@azag.gov>

Sent: Monday, September 30, 2024 12:32 PM

To: Yeung, Christopher <cyeung@cov.com>

Cc: Dilweg, Laura <Laura.Dilweg@azag.gov>; Hunsinger, Nyla <Nyla.Hunsinger@azag.gov>; Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

[EXTERNAL]

Hello Chris,

The undersigned represents plaintiff State of Arizona, *ex rel.* Attorney General Kristin K. Mayes. We write to respond to your recent request that each State AG decide by October 4 whether it wishes to “opt in” to Meta’s “proposed process.”

We have not yet had an opportunity to meet and confer with you, as ordered by Judge Kang, regarding a mutually agreeable and reasonable date for the six Arizona agencies at issue to substantially complete their respective productions of documents. In spite of that, we have been working diligently to coordinate with counsel for the subject Arizona agencies and would welcome an opportunity to confer with you regarding the timing of production. We are available throughout the afternoon of Thursday, October 3, Arizona time, to discuss the same.

As to your request that the individual State AGs provide Meta with a list of agency custodians and search terms before the agencies proceed with searching for, collecting, and producing the requested documents, we do not understand the value in that. Meta would have no idea who any of the custodians within the various state agencies are, and Meta will not be conducting the searches. The burden, expense, and time it would take to compile this information far outweighs any utility it might have.

You insisted in your September 11 correspondence that “streamlining’ the discovery process means that the State AGs should do what follows from Judge Kang’s order: collect, review, and produce state agency documents responsive to Meta’s RFPs.” Arizona is working to do just that, and can complete that process without first telling Meta how and from whom those records will be collected.

Please advise of your availability to confer as ordered by Judge Kang.

Thank You,

Nathan Whelihan

Assistant Attorney General
Consumer Protection & Advocacy



Arizona Attorney General Kris Mayes
2005 N. Central Avenue
Phoenix, AZ 85004
Desk: 602-542-7748
nathan.whelihan@azag.gov
<http://www.azag.gov>

Laura Dilweg

Chief Counsel
Consumer Protection & Advocacy Section



Arizona Attorney General Kris Mayes
2005 N. Central Ave.
Phoenix, AZ 85004
Desk: (602) 542-5487
Laura.Dilweg@azag.gov
<http://www.azag.gov>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Yeung, Christopher <cyeung@cov.com>

Sent: Tuesday, September 24, 2024 7:06 PM

To: Marissa Roy <Marissa.Roy@doj.ca.gov>; Emily Kalanithi <Emily.Kalanithi@doj.ca.gov>; Bianca Miyata <Bianca.Miyata@coag.gov>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Dilweg, Laura <Laura.Dilweg@azag.gov>; Whelihan, Nathan <Nathan.Whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Bernard Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Joshua Olszewski-Jubelirer <Joshua.OlszewskiJubelirer@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet

<Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>; Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore <Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smmdlschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

All,

Thank you for the H2 conference today. To memorialize where we landed on the call:

State Agency Search Terms/Custodians

- The parties are at an impasse on the first step of the AGs' compliance with Judge Kang's order. Meta believes that the process should begin with a custodian and search term proposal from each AG for the agencies within each's state. If, along with making such custodians and search term proposals, the AGs have individual RFPs that they wish to narrow, the AGs should propose that narrowing. The AGs disagree, and believe that the first step should be for Meta to propose narrower RFPs, before meeting and conferring with the AGs of each state about the best way to obtain that narrowed discovery from the agencies.
- The State AGs asked Meta to consider extending the October 1 due date for the letter briefing on the issue at impasse, both because of other briefing deadlines in this case, and to see if any individual State AGs are willing

to agree to Meta's proposed process while the parties brief the issue. Meta is willing to agree to the following letter-briefing schedule:

- Friday, October 4, 2024 – Deadline for individual State AGs to opt in to Meta's proposed process by providing a date certain by which the State AG would propose to Meta (a) a list of state agency custodians; (b) universal search terms to apply across the proposed state agency custodians; and (c) identification of any RFPs that are not addressed by the custodian and search term proposal, and a proposal for identifying potentially responsive documents to such RFPs across all agencies whose documents are within the AGs' control (including any proposed narrowing).
 - Wednesday, October 9, 2024 – For any State AG who has not opted into Meta's proposed process, the parties exchange their respective sections of the letter brief.
 - Friday, October 11, 2024 – Final letter briefing due
- Please let us know if this briefing schedule is acceptable to the AGs.

Litigation Hold Notices

- The State AGs agreed to provide by the end of next week (October 4, 2024) a list of all individual recipients at state agencies who have received litigation hold notices, their respective state agency affiliations, and the date they received the litigation hold notice. We ask that the list also include each recipient's title. If that is an issue, please let us know.

Best,

Chris

From: Marissa Roy <Marissa.Roy@doj.ca.gov>

Sent: Friday, September 20, 2024 4:02 PM

To: Yeung, Christopher <cyeung@cov.com>; Emily Kalanithi <Emily.Kalanithi@doj.ca.gov>; Bianca Miyata <Bianca.Miyata@coag.gov>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Bernard Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Joshua Olszewski-Jubelirer <Joshua.OlszewskiJubelirer@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>; Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore

<Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smdlschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

[EXTERNAL]

11-12 p.m. PT

From: Yeung, Christopher <cyeung@cov.com>

Sent: Friday, September 20, 2024 12:58 PM

To: Marissa Roy <Marissa.Roy@doj.ca.gov>; Emily Kalanithi <Emily.Kalanithi@doj.ca.gov>; Bianca Miyata <Bianca.Miyata@coag.gov>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Bernard Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Joshua Olszewski-Jubelirer <Joshua.OlszewskiJubelirer@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>; Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore <Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>;

Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smdlschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Marissa,

Thank you for your email. Just to clarify, are the State AGs available from 11-12 ET or PT on September 24 for the H2 conference?

Best,

Chris

From: Marissa Roy <Marissa.Roy@doj.ca.gov>

Sent: Friday, September 20, 2024 2:54 PM

To: Yeung, Christopher <cyeung@cov.com>; Emily Kalanithi <Emily.Kalanithi@doj.ca.gov>; Bianca Miyata <Bianca.Miyata@coag.gov>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Bernard Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Joshua Olszewski-Jubelirer <Joshua.OlszewskiJubelirer@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>; Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore

<Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smdlschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

[EXTERNAL]
 Counsel,

We have received your request for an H2. The State AGs are available to meet 11-12 p.m. on Tuesday September 24th. Please let us know if that would work for Meta. Our goal is to facilitate discovery in the most efficient manner. Even with this H2 scheduled, we believe we can make progress and perhaps eliminate some of the issues in dispute. To that end, below are our initial responses to the questions you've raised, as well as some thoughts on next steps.

Regarding your request for custodians and search terms, while the lead State AGs often play a coordinating role, they do not represent all 35 State AGs and cannot represent the positions of the 275 state agencies, including with respect to how documents are stored or the feasibility of custodial document searching. While we understand that Meta does not wish to have 275 meet and confers, we suggest as a compromise meeting and conferring on a state-by-state basis. To help that process, the lead State AGs will provide Meta with a single point of contact for each of the State AGs so that this process can commence.

With respect to the 140 agencies that have already received Rule 45 subpoenas, will Meta commit to identifying with specificity which documents it is seeking above and beyond those sought by the subpoenas? It is not sufficient for Meta to point to its overbroad and very general RFPs, as those give the agencies no guidance regarding what documents Meta is actually seeking. The agencies who received the subpoenas have already begun searching for documents based on conferrals with Meta's counsel, and in some cases have already produced documents. It would be highly inefficient and burdensome to suspend that process and start over – particularly without any practical articulation from Meta regarding what additional documents it seeks to have produced.

As discussed on our Tuesday call, without waiving our arguments as to the state agencies generally, we are in the process of identifying state agencies that are highly unlikely to have any responsive documents at all. We plan to provide that information to Meta next week and appreciate your willingness to consider the information we provide as we work together to move the discovery process forward.

Finally, the lead State AGs are coordinating with the other State AGs to gather information on state agency litigation holds that have been issued. We will provide that information to Meta when it is available to us. In response to your last question, the State AGs will ensure that each affected state agency (or its counsel) has received Magistrate Judge Kang's ruling so that the agencies can take appropriate preservation steps.

We are available to talk informally regarding these issues before the H2.

Best,
Marissa

From: Yeung, Christopher <cyeung@cov.com>

Sent: Friday, September 20, 2024 9:09 AM

To: Emily Kalanithi <Emily.Kalanithi@doj.ca.gov>; Bianca Miyata <Bianca.Miyata@coag.gov>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Bernard Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Joshua Olszewski-Jubelirer <Joshua.OlszewskiJubelirer@doj.ca.gov>; Marissa Roy <Marissa.Roy@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>; Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore <Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smdlschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

All,

Just a reminder, please let us know by COB today your availability for the H2 conference that we requested on Tuesday on the topics set forth in my 9/17/24 email below. We still have not received any responses from any Plaintiff AG.

Best,

Chris

From: Yeung, Christopher

Sent: Thursday, September 19, 2024 1:30 PM

To: 'Emily Kalanithi' <Emily.Kalanithi@doj.ca.gov>; 'Bianca Miyata' <Bianca.Miyata@coag.gov>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; 'PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM' <PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM>; 'Laura Dilweg' <Laura.Dilweg@azag.gov>; 'Nathan Whelihan' <nathan.whelihan@azag.gov>; 'Nicklas Akers' <Nicklas.Akers@doj.ca.gov>; 'Bernard Eskandari' <Bernard.Eskandari@doj.ca.gov>; 'Megan O'Neill' <Megan.Oneill@doj.ca.gov>; 'Joshua Olszewski-Jubelirer' <Joshua.OlszewskiJubelirer@doj.ca.gov>; 'Marissa Roy' <Marissa.Roy@doj.ca.gov>; 'Lauren Dickey' <Lauren.Dickey@coag.gov>; 'Megan Rundlet' <Megan.Rundlet@coag.gov>; 'Beth Orem' <Beth.Orem@coag.gov>; 'Lauren Bidra' <lauren.bidra@ct.gov>; 'Krislyn Launer' <Krislyn.Launer@ct.gov>; 'Ashley Meskill' <Ashley.Meskill@ct.gov>; 'Marion Quirk' <Marion.Quirk@delaware.gov>; 'Dashiell Radosti' <Dashiell.Radosti@delaware.gov>; 'Victoria Butler' <Victoria.Butler@myfloridalegal.com>; 'John Guard' <John.Guard@myfloridalegal.com>; 'Nicholas Weilhammer' <Nicholas.Weilhammer@myfloridalegal.com>; 'Donna Valin' <Donna.Valin@myfloridalegal.com>; 'Karen Berger' <Karen.Berger@myfloridalegal.com>; 'Melissa Devine' <mdevine@law.ga.gov>; 'Bryan Yee' <Bryan.c.yee@hawaii.gov>; 'Christopher Han' <christopher.t.han@hawaii.gov>; 'Nathan Nielson' <nathan.nielson@ag.idaho.gov>; 'Stephanie Guyon' <Stephanie.Guyon@ag.idaho.gov>; 'Susan Ellis' <Susan.Ellis@ilag.gov>; 'Greg Grzeskiewicz' <Greg.Grzeskiewicz@ilag.gov>; 'Jacob Gilbert' <Jacob.gilbert@ilag.gov>; 'Daniel Edelstein' <Daniel.Edelstein@ilag.gov>; 'Kevin Whelan' <Kevin.Whelan@ilag.gov>; 'Adam Sokol' <Adam.Sokol@ilag.gov>; 'Emily Migliore' <Emily.Migliore@ilag.gov>; 'Scott Barnhart' <Scott.Barnhart@atg.in.gov>; 'Corinne Gilchrist' <Corinne.Gilchrist@atg.in.gov>; 'Mark Snodgrass' <Mark.Snodgrass@atg.in.gov>; 'Sarah Dietz' <Sarah.Dietz@ag.ks.gov>; 'Christian Lewis' <Christian.Lewis@ky.gov>; 'Philip Heleringer' <Philip.Heleringer@ky.gov>; 'Zach Richards' <Zach.Richards@ky.gov>; 'Daniel Keiser' <daniel.keiser@ky.gov>; 'Arham Mughal' <mughala@ag.louisiana.gov>; 'Chris Styron' <StyronL@ag.louisiana.gov>; 'Michael Devine' <michael.devine@maine.gov>; 'Laura Lee Barry Wommack' <LauraLee.BarryWommack@maine.gov>; 'Philip Ziperman' <pziperman@oag.state.md.us>; 'Elizabeth Stern' <estern@oag.state.md.us>; 'Daniel Ping' <pingd@michigan.gov>; 'Caitlin Micko' <Caitlin.Micko@ag.state.mn.us>; 'Michael Schwalbert' <michael.schwalbert@ago.mo.gov>; 'Anna Schneider' <Anna.Schneider@mt.gov>; 'Dthompson@cooperkirk.Com' <Dthompson@cooperkirk.Com>; 'Alivas@cooperkirk.Com' <Alivas@cooperkirk.Com>; 'Megan Wold' <mwold@cooperkirk.com>; 'Brian Barnes' <bbarnes@cooperkirk.com>; 'mkirk@cooperkirk.com' <mkirk@cooperkirk.com>; 'Colin Snider' <Colin.Snider@nebraska.gov>; 'Kashif Chand' <Kashif.Chand@law.njoag.gov>; 'Thomas Huynh' <Thomas.Huynh@law.njoag.gov>; 'Gina Pittore' <Gina.Pittore@law.njoag.gov>; 'Verna Pradaxay' <Verna.Pradaxay@law.njoag.gov>; 'Mandy Wang' <Mandy.Wang@law.njoag.gov>; 'Chris D'Angelo' <Christopher.D'Angelo@ag.ny.gov>; 'Clark Russell' <Clark.Russell@ag.ny.gov>; 'Nathaniel Kosslyn' <Nathaniel.Kosslyn@ag.ny.gov>; 'Kevin Anderson' <kander@ncdoj.gov>; 'Elin Alm' <ealm@nd.gov>; 'Christopher Lindblad' <clindblad@nd.gov>; 'Melissa Wright' <Melissa.Wright@ohioago.gov>; 'Melissa Szozda Smith' <Melissa.S.Smith@ohioago.gov>; 'Michael Ziegler' <Michael.Ziegler@ohioago.gov>; 'Kevin Walsh' <Kevin.Walsh@ohioago.gov>; 'Jordan Roberts' <Jordan.M.Roberts@doj.state.or.us>; 'Tim Murphy' <tmurphy@attorneygeneral.gov>; 'Jonathan Burns' <jburns@attorneygeneral.gov>; 'Stephen Provazza' <sprovazza@riag.ri.gov>; 'Jared Libet' <jlibet@scag.gov>; 'Anna Smith' <AnnaSmith@scag.gov>; 'Clark Kirkland' <ckirkland@scag.gov>; 'Jessica LaMie' <Jessica.LaMie@state.sd.us>; 'Joelle Gotwals' <jgotwals@oag.state.va.us>; 'Joe Kanada' <Joe.Kanada@atg.wa.gov>; 'Alexia Diorio' <Alexia.Diorio@atg.wa.gov>; 'Laurel Lackey' <laurel.k.lackey@wvago.gov>; 'smdmdschoolistrictbellwethergroup@lfsblaw.com' <smdmdschoolistrictbellwethergroup@lfsblaw.com>; 'MWeinkowitz@lfsblaw.com' <MWeinkowitz@lfsblaw.com>; 'myeates@ktmc.com' <myeates@ktmc.com>; 'pwarren@motleyrice.com' <pwarren@motleyrice.com>; 'lhazam@lchb.com' <lhazam@lchb.com>; 'jennie@andrusanderson.com' <jennie@andrusanderson.com>; 'Alexandra

Kory' <Alexandra.Kory@atg.wa.gov>; 'Colin Stroud' <stroudcr@doj.state.wi.us>; 'Matthew Davies' <matthew.davies@ilag.gov>

Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

All,

We have not received any response to our request to schedule an H2 conference. Please provide us by COB tomorrow with times that work for you.

Best,

Chris

From: Yeung, Christopher

Sent: Tuesday, September 17, 2024 10:33 PM

To: 'Emily Kalanithi' <Emily.Kalanithi@doj.ca.gov>; 'Bianca Miyata' <Bianca.Miyata@coag.gov>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; 'PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM' <PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM>; 'Laura Dilweg' <Laura.Dilweg@azag.gov>; 'Nathan Whelihan' <nathan.whelihan@azag.gov>; 'Nicklas Akers' <Nicklas.Akers@doj.ca.gov>; 'Bernard Eskandari' <Bernard.Eskandari@doj.ca.gov>; 'Megan O'Neill' <Megan.Oneill@doj.ca.gov>; 'Joshua Olszewski-Jubelirer' <Joshua.OlszewskiJubelirer@doj.ca.gov>; 'Marissa Roy' <Marissa.Roy@doj.ca.gov>; 'Lauren Dickey' <Lauren.Dickey@coag.gov>; 'Megan Rundlet' <Megan.Rundlet@coag.gov>; 'Beth Orem' <Beth.Orem@coag.gov>; 'Lauren Bidra' <lauren.bidra@ct.gov>; 'Krislyn Launer' <Krislyn.Launer@ct.gov>; 'Ashley Meskill' <Ashley.Meskill@ct.gov>; 'Marion Quirk' <Marion.Quirk@delaware.gov>; 'Dashiell Radosti' <Dashiell.Radosti@delaware.gov>; 'Victoria Butler' <Victoria.Butler@myfloridalegal.com>; 'John Guard' <John.Guard@myfloridalegal.com>; 'Nicholas Weilhammer' <Nicholas.Weilhammer@myfloridalegal.com>; 'Donna Valin' <Donna.Valin@myfloridalegal.com>; 'Karen Berger' <Karen.Berger@myfloridalegal.com>; 'Melissa Devine' <mdevine@law.ga.gov>; 'Bryan Yee' <Bryan.c.yee@hawaii.gov>; 'Christopher Han' <christopher.t.han@hawaii.gov>; 'Nathan Nielson' <nathan.nielson@ag.idaho.gov>; 'Stephanie Guyon' <Stephanie.Guyon@ag.idaho.gov>; 'Susan Ellis' <Susan.Ellis@ilag.gov>; 'Greg Grzeskiewicz' <Greg.Grzeskiewicz@ilag.gov>; 'Jacob Gilbert' <Jacob.gilbert@ilag.gov>; 'Daniel Edelstein' <Daniel.Edelstein@ilag.gov>; 'Kevin Whelan' <Kevin.Whelan@ilag.gov>; 'Adam Sokol' <Adam.Sokol@ilag.gov>; 'Emily Migliore' <Emily.Migliore@ilag.gov>; 'Scott Barnhart' <Scott.Barnhart@atg.in.gov>; 'Corinne Gilchrist' <Corinne.Gilchrist@atg.in.gov>; 'Mark Snodgrass' <Mark.Snodgrass@atg.in.gov>; 'Sarah Dietz' <Sarah.Dietz@ag.ks.gov>; 'Christian Lewis' <Christian.Lewis@ky.gov>; 'Philip Heleringer' <Philip.Heleringer@ky.gov>; 'Zach Richards' <Zach.Richards@ky.gov>; 'Daniel Keiser' <daniel.keiser@ky.gov>; 'Arham Mughal' <mughala@ag.louisiana.gov>; 'Chris Styron' <StyronL@ag.louisiana.gov>; 'Michael Devine' <michael.devine@maine.gov>; 'Laura Lee Barry Wommack' <LauraLee.BarryWommack@maine.gov>; 'Philip Ziperman' <pziperman@oag.state.md.us>; 'Elizabeth Stern' <estern@oag.state.md.us>; 'Daniel Ping' <pingd@michigan.gov>; 'Caitlin Micko' <Caitlin.Micko@ag.state.mn.us>; 'Michael Schwalbert' <michael.schwalbert@ago.mo.gov>; 'Anna Schneider' <Anna.Schneider@mt.gov>; 'Dthompson@cooperkirk.Com' <Dthompson@cooperkirk.Com>; 'Alivas@cooperkirk.Com' <Alivas@cooperkirk.Com>; 'Megan Wold' <mwold@cooperkirk.com>; 'Brian Barnes' <bbarnes@cooperkirk.com>; 'mkirk@cooperkirk.com' <mkirk@cooperkirk.com>; 'Colin Snider' <Colin.Snider@nebraska.gov>; 'Kashif Chand' <Kashif.Chand@law.njoag.gov>; 'Thomas Huynh' <Thomas.Huynh@law.njoag.gov>; 'Gina Pittore' <Gina.Pittore@law.njoag.gov>; 'Verna Pradaxay' <Verna.Pradaxay@law.njoag.gov>; 'Mandy Wang' <Mandy.Wang@law.njoag.gov>; 'Chris D'Angelo' <Christopher.D'Angelo@ag.ny.gov>; 'Clark Russell' <Clark.Russell@ag.ny.gov>; 'Nathaniel Kosslyn' <Nathaniel.Kosslyn@ag.ny.gov>; 'Kevin Anderson' <kander@ncdoj.gov>; 'Elin Alm' <ealm@nd.gov>; 'Christopher Lindblad' <clindblad@nd.gov>; 'Melissa Wright' <Melissa.Wright@ohioago.gov>; 'Melissa Szozda Smith' <Melissa.S.Smith@ohioago.gov>; 'Michael Ziegler' <Michael.Ziegler@ohioago.gov>; 'Kevin Walsh' <Kevin.Walsh@ohioago.gov>; 'Jordan Roberts' <Jordan.M.Roberts@doj.state.or.us>; 'Tim Murphy'

<tmurphy@attorneygeneral.gov>; 'Jonathan Burns' <jburns@attorneygeneral.gov>; 'Stephen Provazza' <sprovazza@riag.ri.gov>; 'Jared Libet' <jlibet@scag.gov>; 'Anna Smith' <AnnaSmith@scag.gov>; 'Clark Kirkland' <ckirkland@scag.gov>; 'Jessica LaMie' <Jessica.LaMie@state.sd.us>; 'Joelle Gotwals' <jgotwals@oag.state.va.us>; 'Joe Kanada' <Joe.Kanada@atg.wa.gov>; 'Alexia Diorio' <Alexia.Diorio@atg.wa.gov>; 'Laurel Lackey' <laurel.k.lackey@wvago.gov>; 'smdmdschooldistrictbellwethergroup@lfsblaw.com' <smdmdschooldistrictbellwethergroup@lfsblaw.com>; 'MWeinkowitz@lfsblaw.com' <MWeinkowitz@lfsblaw.com>; 'myeates@ktmc.com' <myeates@ktmc.com>; 'pwarren@motleyrice.com' <pwarren@motleyrice.com>; 'lhazam@lchb.com' <lhazam@lchb.com>; 'jennie@andrusanderson.com' <jennie@andrusanderson.com>; 'Alexandra Kory' <Alexandra.Kory@atg.wa.gov>; 'Colin Stroud' <stroudcr@doj.state.wi.us>; 'Matthew Davies' <matthew.davies@ilag.gov>

Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

All,

Following our call, we request an H2 conference on the following topics. Please provide us with times that work for you.

- Will the state AGs agree to a document production process that involves negotiated state agency custodians and search terms? We believe that this is the appropriate way to proceed and do not see an alternative way to proceed that will ensure we obtain reasonably responsive documents. We will continue to consider this question on our end in the interim, but given where we and you presently are, think we need the Court's guidance on this point.
- Will the state AGs agree to let us know of the state agency custodians to which they or individual agencies have sent notice of the litigation or specific hold notices, and when? For any state agency for which the state AGs are unable to provide such individual custodian information, will the state AGs agree to identify the agency, confirm that the AGs have sent notice of the litigation or specific hold notices to the agency, and when?
- Will the state AGs agree to impose a hold, or ask the agencies to impose a hold, on appropriate custodians at each agency covered by Judge Kang's ruling?

Best,

Chris

From: Yeung, Christopher

Sent: Monday, September 16, 2024 5:14 PM

To: 'Emily Kalanithi' <Emily.Kalanithi@doj.ca.gov>; 'Bianca Miyata' <Bianca.Miyata@coag.gov>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; 'PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM' <PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM>; 'Laura Dilweg' <Laura.Dilweg@azag.gov>; 'Nathan Whelihan' <nathan.whelihan@azag.gov>; 'Nicklas Akers' <Nicklas.Akers@doj.ca.gov>; 'Bernard Eskandari' <Bernard.Eskandari@doj.ca.gov>; 'Megan O'Neill' <Megan.Oneill@doj.ca.gov>; 'Joshua Olszewski-Jubelirer' <Joshua.OlszewskiJubelirer@doj.ca.gov>; 'Marissa Roy' <Marissa.Roy@doj.ca.gov>; 'Lauren Dickey' <Lauren.Dickey@coag.gov>; 'Megan Rundlet' <Megan.Rundlet@coag.gov>; 'Beth Orem' <Beth.Orem@coag.gov>; 'Lauren Bidra' <lauren.bidra@ct.gov>; 'Krislyn Launer' <Krislyn.Launer@ct.gov>; 'Ashley Meskill' <Ashley.Meskill@ct.gov>; 'Marion Quirk' <Marion.Quirk@delaware.gov>; 'Dashiell Radosti' <Dashiell.Radosti@delaware.gov>; 'Victoria Butler' <Victoria.Butler@myfloridalegal.com>; 'John Guard' <John.Guard@myfloridalegal.com>; 'Nicholas Weilhammer' <Nicholas.Weilhammer@myfloridalegal.com>; 'Donna Valin' <Donna.Valin@myfloridalegal.com>; 'Karen Berger' <Karen.Berger@myfloridalegal.com>; 'Melissa Devine' <mdevine@law.ga.gov>; 'Bryan Yee' <Bryan.c.yee@hawaii.gov>; 'Christopher Han' <christopher.t.han@hawaii.gov>; 'Nathan Nielson' <nathan.nielson@ag.idaho.gov>; 'Stephanie Guyon' <Stephanie.Guyon@ag.idaho.gov>; 'Susan Ellis' <Susan.Ellis@ilag.gov>; 'Greg Grzeskiewicz' <Greg.Grzeskiewicz@ilag.gov>; 'Jacob Gilbert' <Jacob.gilbert@ilag.gov>;

'Daniel Edelstein' <Daniel.Edelstein@ilag.gov>; 'Kevin Whelan' <Kevin.Whehan@ilag.gov>; 'Adam Sokol' <Adam.Sokol@ilag.gov>; 'Emily Migliore' <Emily.Migliore@ilag.gov>; 'Scott Barnhart' <Scott.Barnhart@atg.in.gov>; 'Corinne Gilchrist' <Corinne.Gilchrist@atg.in.gov>; 'Mark Snodgrass' <Mark.Snodgrass@atg.in.gov>; 'Sarah Dietz' <Sarah.Dietz@ag.ks.gov>; 'Christian Lewis' <Christian.Lewis@ky.gov>; 'Philip Heleringer' <Philip.Heleringer@ky.gov>; 'Zach Richards' <Zach.Richards@ky.gov>; 'Daniel Keiser' <daniel.keiser@ky.gov>; 'Arham Mughal' <mughala@ag.louisiana.gov>; 'Chris Styron' <StyronL@ag.louisiana.gov>; 'Michael Devine' <michael.devine@maine.gov>; 'Laura Lee Barry Wommack' <Lauralee.BarryWommack@maine.gov>; 'Philip Ziperman' <pziperman@oag.state.md.us>; 'Elizabeth Stern' <estern@oag.state.md.us>; 'Daniel Ping' <pingd@michigan.gov>; 'Caitlin Micko' <Caitlin.Micko@ag.state.mn.us>; 'Michael Schwalbert' <michael.schwalbert@ago.mo.gov>; 'Anna Schneider' <Anna.Schneider@mt.gov>; 'Dthompson@cooperkirk.Com' <Dthompson@cooperkirk.Com>; 'Alivas@cooperkirk.Com' <Alivas@cooperkirk.Com>; 'Megan Wold' <mwold@cooperkirk.com>; 'Brian Barnes' <bbarnes@cooperkirk.com>; 'mkirk@cooperkirk.com' <mkirk@cooperkirk.com>; 'Colin Snider' <Colin.Snider@nebraska.gov>; 'Kashif Chand' <Kashif.Chand@law.njoag.gov>; 'Thomas Huynh' <Thomas.Huynh@law.njoag.gov>; 'Gina Pittore' <Gina.Pittore@law.njoag.gov>; 'Verna Pradaxay' <Verna.Pradaxay@law.njoag.gov>; 'Mandy Wang' <Mandy.Wang@law.njoag.gov>; 'Chris D'Angelo' <Christopher.D'Angelo@ag.ny.gov>; 'Clark Russell' <Clark.Russell@ag.ny.gov>; 'Nathaniel Kosslyn' <Nathaniel.Kosslyn@ag.ny.gov>; 'Kevin Anderson' <kander@ncdoj.gov>; 'Elin Alm' <ealm@nd.gov>; 'Christopher Lindblad' <clindblad@nd.gov>; 'Melissa Wright' <Melissa.Wright@ohioago.gov>; 'Melissa Szozda Smith' <Melissa.S.Smith@ohioago.gov>; 'Michael Ziegler' <Michael.Ziegler@ohioago.gov>; 'Kevin Walsh' <Kevin.Walsh@ohioago.gov>; 'Jordan Roberts' <Jordan.M.Roberts@doj.state.or.us>; 'Tim Murphy' <tmurphy@attorneygeneral.gov>; 'Jonathan Burns' <jburns@attorneygeneral.gov>; 'Stephen Provazza' <sprovazza@riag.ri.gov>; 'Jared Libet' <jlibet@scag.gov>; 'Anna Smith' <AnnaSmith@scag.gov>; 'Clark Kirkland' <ckirkland@scag.gov>; 'Jessica LaMie' <Jessica.LaMie@state.sd.us>; 'Joelle Gotwals' <jgotwals@oag.state.va.us>; 'Joe Kanada' <Joe.Kanada@atg.wa.gov>; 'Alexia Diorio' <Alexia.Diorio@atg.wa.gov>; 'Laurel Lackey' <laurel.k.lackey@wvago.gov>; 'smmdlschooldistrictbellwethergroup@lfsblaw.com' <smmdlschooldistrictbellwethergroup@lfsblaw.com>; 'MWeinkowitz@lfsblaw.com' <MWeinkowitz@lfsblaw.com>; 'myeates@ktmc.com' <myeates@ktmc.com>; 'pwarren@motleyrice.com' <pwarren@motleyrice.com>; 'lhazam@lchb.com' <lhazam@lchb.com>; 'jennie@andrusanderson.com' <jennie@andrusanderson.com>; 'Alexandra Kory' <Alexandra.Kory@atg.wa.gov>; 'Colin Stroud' <stroudcr@doj.state.wi.us>; 'Matthew Davies' <matthew.davies@ilag.gov>

Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

Counsel,

We did not receive any list of individuals at state agencies who have been issued litigation holds, and when those holds were issued. Please be prepared to discuss Plaintiffs' failure to provide that information at tomorrow's meet and confer call.

We also have not received the statement by Governor Newsom that was read into the record. Please provide us with a copy. If Plaintiffs are unwilling to provide us with a copy of the statement, please state the basis for withholding it.

Finally, in light of Governor Newsom's statement suggesting that California would not be complying with Judge Kang's order and that other states may join California as well, we ask that you identify tomorrow whether any other state governor is taking the same position.

Best,

Chris

From: Yeung, Christopher

Sent: Friday, September 13, 2024 10:59 PM

To: 'Emily Kalanithi' <Emily.Kalanithi@doj.ca.gov>; 'Bianca Miyata' <Bianca.Miyata@coag.gov>; 'Social Media MDL State AGs Lead Counsel' <SM.MDLAGLeads@coag.gov>; 'PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM' <PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM>; 'Laura Dilweg' <Laura.Dilweg@azag.gov>; 'Nathan Whelihan' <nathan.whelihan@azag.gov>; 'Nicklas Akers' <Nicklas.Akers@doj.ca.gov>; 'Bernard Eskandari' <Bernard.Eskandari@doj.ca.gov>; 'Megan O'Neill' <Megan.Oneill@doj.ca.gov>; 'Joshua Olszewski-Jubelirer' <Joshua.OlszewskiJubelirer@doj.ca.gov>; 'Marissa Roy' <Marissa.Roy@doj.ca.gov>; 'Lauren Dickey' <Lauren.Dickey@coag.gov>; 'Megan Rundlet' <Megan.Rundlet@coag.gov>; 'Beth Orem' <Beth.Orem@coag.gov>; 'Lauren Bidra' <lauren.bidra@ct.gov>; 'Krislyn Launer' <Krislyn.Launer@ct.gov>; 'Ashley Meskill' <Ashley.Meskill@ct.gov>; 'Marion Quirk' <Marion.Quirk@delaware.gov>; 'Dashiell Radosti' <Dashiell.Radosti@delaware.gov>; 'Victoria Butler' <Victoria.Butler@myfloridalegal.com>; 'John Guard' <John.Guard@myfloridalegal.com>; 'Nicholas Weilhammer' <Nicholas.Weilhammer@myfloridalegal.com>; 'Donna Valin' <Donna.Valin@myfloridalegal.com>; 'Karen Berger' <Karen.Berger@myfloridalegal.com>; 'Melissa Devine' <mdevine@law.ga.gov>; 'Bryan Yee' <Bryan.c.yee@hawaii.gov>; 'Christopher Han' <christopher.t.han@hawaii.gov>; 'Nathan Nielson' <nathan.nielson@ag.idaho.gov>; 'Stephanie Guyon' <Stephanie.Guyon@ag.idaho.gov>; 'Susan Ellis' <Susan.Ellis@ilag.gov>; 'Greg Grzeskiewicz' <Greg.Grzeskiewicz@ilag.gov>; 'Jacob Gilbert' <Jacob.gilbert@ilag.gov>; 'Daniel Edelstein' <Daniel.Edelstein@ilag.gov>; 'Kevin Whelan' <Kevin.Whelan@ilag.gov>; 'Adam Sokol' <Adam.Sokol@ilag.gov>; 'Emily Migliore' <Emily.Migliore@ilag.gov>; 'Scott Barnhart' <Scott.Barnhart@atg.in.gov>; 'Corinne Gilchrist' <Corinne.Gilchrist@atg.in.gov>; 'Mark Snodgrass' <Mark.Snodgrass@atg.in.gov>; 'Sarah Dietz' <Sarah.Dietz@ag.ks.gov>; 'Christian Lewis' <Christian.Lewis@ky.gov>; 'Philip Heleringer' <Philip.Heleringer@ky.gov>; 'Zach Richards' <Zach.Richards@ky.gov>; 'Daniel Keiser' <daniel.keiser@ky.gov>; 'Arham Mughal' <mughala@ag.louisiana.gov>; 'Chris Styron' <StyronL@ag.louisiana.gov>; 'Michael Devine' <michael.devine@maine.gov>; 'Laura Lee Barry Wommack' <LauraLee.BarryWommack@maine.gov>; 'Philip Ziperman' <pziperman@oag.state.md.us>; 'Elizabeth Stern' <estern@oag.state.md.us>; 'Daniel Ping' <pingd@michigan.gov>; 'Caitlin Micko' <Caitlin.Micko@ag.state.mn.us>; 'Michael Schwalbert' <michael.schwalbert@ago.mo.gov>; 'Anna Schneider' <Anna.Schneider@mt.gov>; 'Dthompson@cooperkirk.Com' <Dthompson@cooperkirk.Com>; 'Alivas@cooperkirk.Com' <Alivas@cooperkirk.Com>; 'Megan Wold' <mwold@cooperkirk.com>; 'Brian Barnes' <bbarnes@cooperkirk.com>; 'mkirk@cooperkirk.com' <mkirk@cooperkirk.com>; 'Colin Snider' <Colin.Snider@nebraska.gov>; 'Kashif Chand' <Kashif.Chand@law.njoag.gov>; 'Thomas Huynh' <Thomas.Huynh@law.njoag.gov>; 'Gina Pittore' <Gina.Pittore@law.njoag.gov>; 'Verna Pradaxay' <Verna.Pradaxay@law.njoag.gov>; 'Mandy Wang' <Mandy.Wang@law.njoag.gov>; 'Chris D'Angelo' <Christopher.D'Angelo@ag.ny.gov>; 'Clark Russell' <Clark.Russell@ag.ny.gov>; 'Nathaniel Kosslyn' <Nathaniel.Kosslyn@ag.ny.gov>; 'Kevin Anderson' <kander@ncdoj.gov>; 'Elin Alm' <elalm@nd.gov>; 'Christopher Lindblad' <clindblad@nd.gov>; 'Melissa Wright' <Melissa.Wright@ohioago.gov>; 'Melissa Szozda Smith' <Melissa.S.Smith@ohioago.gov>; 'Michael Ziegler' <Michael.Ziegler@ohioago.gov>; 'Kevin Walsh' <Kevin.Walsh@ohioago.gov>; 'Jordan Roberts' <Jordan.M.Roberts@doj.state.or.us>; 'Tim Murphy' <tmurphy@attorneygeneral.gov>; 'Jonathan Burns' <jburns@attorneygeneral.gov>; 'Stephen Provazza' <sprovazza@riag.ri.gov>; 'Jared Libet' <jlibet@scag.gov>; 'Anna Smith' <AnnaSmith@scag.gov>; 'Clark Kirkland' <ckirkland@scag.gov>; 'Jessica LaMie' <Jessica.LaMie@state.sd.us>; 'Joelle Gotwals' <jgotwals@oag.state.va.us>; 'Joe Kanada' <Joe.Kanada@atg.wa.gov>; 'Alexia Diorio' <Alexia.Diorio@atg.wa.gov>; 'Laurel Lackey' <laurel.k.lackey@wvago.gov>; 'smmdlschooldistrictbellwethergroup@lfsblaw.com' <smmdlschooldistrictbellwethergroup@lfsblaw.com>; 'MWeinkowitz@lfsblaw.com' <MWeinkowitz@lfsblaw.com>; 'myeates@ktmc.com' <myeates@ktmc.com>; 'pwarren@motleyrice.com' <pwarren@motleyrice.com>; 'lhazam@lchb.com' <lhazam@lchb.com>; 'jennie@andrusanderson.com' <jennie@andrusanderson.com>; 'Alexandra Kory' <Alexandra.Kory@atg.wa.gov>; 'Colin Stroud' <stroudcr@doj.state.wi.us>; 'Matthew Davies' <matthew.davies@ilag.gov>

Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>

Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

Emily,

Further to the below, we can meet and confer at 1:30 PT on Tuesday. I circulated a calendar invite with dial-in information to you, Bianca, and the Social Media MDL State AGs Lead Counsel listserv, but please feel free to forward the invite to anyone else from the AGs who wishes to attend.

Additionally, I am following up on our request regarding state agency litigation hold recipients. Will the AGs be providing us today with a list of all of the individuals at state agencies who have been issued litigation holds, and when those holds were issued? Please also confirm that each state's Governor and Governor's office is preserving potentially relevant documents.

Finally, I understand that the AGs read a statement by Governor Newsom into the record at today's CMC. Please provide us with a copy of that statement.

Best,

Chris

From: Yeung, Christopher

Sent: Wednesday, September 11, 2024 10:43 PM

To: 'Emily Kalanithi' <Emily.Kalanithi@doj.ca.gov>; Bianca Miyata <Bianca.Miyata@coag.gov>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Bernard Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Joshua Olszewski-Jubelirer <Joshua.OlszewskiJubelirer@doj.ca.gov>; Marissa Roy <Marissa.Roy@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>; Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore <Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza

<sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smmdlschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

Emily,

We have a fundamental disagreement about the implications of Judge Kang's order. As you know, "the primary issue in dispute [was] whether the named State Plaintiffs have 'control' for purposes of discovery over their respective state agencies' documents." ECF No. 1117 at 2. As framed by the Court, the order "resolve[s] whether and which named State Plaintiffs have control over their respective state agencies' documents – and thus whether such documents are to be sought in discovery by requests for production under Rule 34 (party discovery) or by subpoenas under Rule 45 (third party discovery)." *Id.* And as you know, the Court ruled that the documents of nearly all of the state agencies at issue were in the control of the state's AG, and thus subject to production by the AGs as parties to the litigation under Rule 34.

Meta served Rule 34 RFPs on the AGs over six months ago, and the AGs lodged their objections soon thereafter. Rule 34 discovery does not provide an opportunity for those in direct possession of documents under the AGs' control to separately lodge objections months later. Nor does Rule 34 discovery require Meta to separately meet and confer with those in direct possession of documents under the AGs' control. Rather, Rule 34 requires the State AGs to collect, review, and produce documents responsive to Meta's RFPs that are within the State AGs' possession, custody, or control—which includes state agency documents per Judge Kang's order.

Your email also reads too much into Judge Kang's meet and confer directive. Judge Kang directed "[t]he Parties (including counsel for the State Agencies) . . . to promptly meet and confer regarding a mutually agreeable and reasonable date for the State Agencies to substantially complete their respective productions of documents in response to either the Rule 34 requests or, to the extent applicable, Rule 45 subpoenas." *Id.* at 248. Judge Kang did not order Meta to meet individually with state agencies whose documents were under AG control about any objections or engage in any agency-specific meet and confers about Rule 34 RFPs. Indeed, Judge Kang's order makes clear that having each agency make individual agency objections, and requiring the parties to conduct agency-specific meet and confers, "is not conducive to the just and efficient administration of justice." *Id.* at 40-41 (discussing "concern[s]" with requiring Meta "to issue over 250 individual subpoenas [to state agencies], and then negotiate the scope of each subpoena after receiving written responses and objections to each" which could lead to the presentation of "over 200 allegedly separate disputes over these subpoenas to this Court").

"Streamlining" the discovery process means that the State AGs should do what follows from Judge Kang's order: collect, review, and produce state agency documents responsive to Meta's RFPs. If the State AGs continue to refuse to do so—and insist that Meta engage in over one hundred agency-specific discussions about agency-specific objections and production issues as if agency documents are third-party documents outside of the AGs' control—we will need to raise the issue with the Court tomorrow. Meta reserves all rights.

Best,

Chris

From: Emily Kalanithi <Emily.Kalanithi@doj.ca.gov>

Sent: Wednesday, September 11, 2024 6:23 PM

To: Yeung, Christopher <cyeung@cov.com>; Bianca Miyata <Bianca.Miyata@coag.gov>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Bernard Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Joshua Olszewski-Jubelirer <Joshua.OlszewskiJubelirer@doj.ca.gov>; Marissa Roy <Marissa.Roy@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>; Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore <Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smmdlschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

[EXTERNAL]

Chris,

We write in response to your email regarding state agency discovery. You begin by stating that Meta's document requests to state agencies have been pending for six months. As you know, however, we received Magistrate Kang's order less than a week ago, and will soon be filing objections and a motion to stay the order. Without waiving our objections to the propriety of subjecting these non-party agencies to party discovery, while we are willing to meet and confer, the State AGs – and the 275 separately represented state agencies from whom Meta claims to want discovery – will need an opportunity to lodge any individual objections and to engage in agency-specific meet and confers.

Meet and confers on RFPs start by discussing what the party serving discovery is actually looking for and what the recipient has that can be produced without a burden that is disproportionate to the needs of the case. In serving Rule 45 subpoenas in this case, Meta has already identified a logical starting point for this streamlining. Accordingly, we expect that at a minimum, the parties can agree to limit state agency discovery to the agencies that have been served Rule 45 subpoenas and to the requests contained in those subpoenas (as modified by any agreements that Meta has already reached with those state agencies). It would be extraordinarily burdensome and inefficient to restart this process and to disregard the agreements that have already been reached on various agencies' collection and production of documents. In addition to this, we look forward to hearing other ideas Meta has for streamlining this discovery process to ensure any burden is proportionate, particularly here where the requested documents have little bearing on the claims or defenses in the case.

Should the parties be unable to find any compromise on streamlining, it will be necessary to engage in individual meet and confers with each State AG and agency counsel regarding the relevance of Meta's requests vis a vis the work of their agencies. In fact, Magistrate Kang's order assumes that state agency counsel will be involved in such meet and confers (see September 6, 2024 order at p. 248).

Finally, your suggestion of starting with the identification of custodians is neither efficient nor appropriate here. As discussed in the context of the AGs' responses to Meta's RFPs, targeted searches are likely the proper method for identifying responsive documents, particularly as the state agencies are not percipient witnesses to the conduct underlying the claims and defenses in this action.

With respect to depositions, the Court set limits for depositions of both defendants and bellwether plaintiffs in March, when document productions were just beginning and, at that time, set aside the issue of limits for depositions of the AGs until it resolved the state agency discovery issue. We believe it is appropriate to confer regarding those limits and can do so in conjunction with our conferral on state agency issues.

We are available to confer on both issues on Tuesday at 9:30 PT or 1:30 PT. Please advise if you are available at either time.

Best,
Emily

Emily C. Kalanithi | Supervising Deputy Attorney General | Consumer Protection
California Department of Justice | 455 Golden Gate Ave, 11th Fl, San Francisco, CA 94102
(415) 510-3468 | emily.kalanithi@doj.ca.gov

From: Yeung, Christopher <cyeung@cov.com>
Sent: Tuesday, September 10, 2024 2:46 PM
To: Bianca Miyata <Bianca.Miyata@coag.gov>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Bernard Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Joshua Olszewski-Jubelirer <Joshua.OlszewskiJubelirer@doj.ca.gov>; Marissa Roy <Marissa.Roy@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>;

Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore <Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smdmschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: RE: MDL 3047 - State Agency Discovery Meet and Confer

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Bianca,

While we would prefer to meet this week and not delay, we are available on Monday from 10 am - 12 pm ET, 1:30 - 2 pm ET, and 4 - 6 pm ET, and Tuesday from 10 am - 12:30 pm ET. and then 3 - 5:30 pm ET. Please let us know what works for you.

In the meantime, it has now been over six months since Meta served RFPs requesting documents that included state agency documents, and document productions are to be substantially completed by November 5, 2024 under the most recent scheduling order. As such, please let us know if the State AGs are willing to agree to the following schedule for substantially completing the production of state agency documents:

- State AGs propose initial custodians for each agency and universal search terms by September 13, 2024.
- Meta proposes additional custodians and search terms by September 27, 2024.
- The parties meet and confer in an attempt to resolve any custodian and search term disputes by October 4, 2024.
- State AGs substantially complete document productions, including of all state agency documents responsive to Meta's RFPs that are in the AGs' "legal control" as provided in Magistrate Judge Kang's order, by November 5, 2024.

Additionally, by Friday, September 13, 2024, please provide us with a list of all state agencies that have been issued litigation holds, and when those holds were issued.

Please note that Meta expects each State AG to fulfill party discovery obligations with respect to the collection, review, and production of responsive documents in its control – including documents in the files of state agencies that Magistrate Judge Kang deemed within State AG control. To the extent that any state agency whose documents have been deemed in any State AG's control also received an overlapping subpoena from Meta (e.g., subpoenas issued in non-school district cases), any objections, limitations, restrictions, or accommodations that have been requested or suggested with respect to such subpoena (e.g., objections on the basis of burden to third parties, refusal to search for responsive ESI, etc.) will not apply to the State AGs' party discovery obligations.

Finally, we have received the AGs' request that we confer on the number of depositions this week. While we are available to confer about depositions, we are not sure we can reach final agreement without some sense of the productions the AGs will make. More fundamentally, if the AGs are already ready to confer this week about depositions, which of course is a type of discovery that would follow the State AGs' meeting their document production obligations, they should certainly be ready to meet this week – and not wait until next week – to discuss that precursor production.

Best,

Chris

From: Bianca Miyata <Bianca.Miyata@coag.gov>

Sent: Sunday, September 8, 2024 11:25 AM

To: Yeung, Christopher <cyeung@cov.com>; Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>; PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM; Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers <Nicklas.Akers@doj.ca.gov>; Barney Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill <Megan.Oneill@doj.ca.gov>; Josh Olszewski <Joshua.Olszewskijubelirer@doj.ca.gov>; Marissa Roy <Marissa.Roy@doj.ca.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>; Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>; Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk <Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer <Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger <Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>; Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon <Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>; Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan <Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass <Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>; Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine <michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman <pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider <Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com; Alivas@cooperkirk.Com; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>; mkirk@cooperkirk.com; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand <Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore <Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad

<clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smdmschooldistrictbellwethergroup@lfsblaw.com; MWeinkowitz@lfsblaw.com; myeates@ktmc.com; pwarren@motleyrice.com; lhazam@lchb.com; jennie@andrusanderson.com; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: Re: MDL 3047 - State Agency Discovery Meet and Confer

[EXTERNAL]

Hi Chris,

Thanks for your email. We are still digesting the Court's order and will circle back with our availability once we have had a chance to confer internally with the State AG coalition.

Best,
 Bianca

From: Yeung, Christopher <cyeung@cov.com>

Sent: Sunday, September 8, 2024 8:17:25 AM

To: Social Media MDL State AGs Lead Counsel <SM.MDLAGLeads@coag.gov>;

PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM <PLTFSOCIALMEDIASERVICE@LISTSERV.MOTLEYRICE.COM>;

Laura Dilweg <Laura.Dilweg@azag.gov>; Nathan Whelihan <nathan.whelihan@azag.gov>; Nicklas Akers

<Nicklas.Akers@doj.ca.gov>; Barney Eskandari <Bernard.Eskandari@doj.ca.gov>; Megan O'Neill

<Megan.Oneill@doj.ca.gov>; Josh Olszewski <Joshua.Olszewskijubelirer@doj.ca.gov>; Marissa Roy

<Marissa.Roy@doj.ca.gov>; Bianca Miyata <Bianca.Miyata@coag.gov>; Lauren Dickey <Lauren.Dickey@coag.gov>;

Megan Rundlet <Megan.Rundlet@coag.gov>; Beth Orem <Beth.Orem@coag.gov>; Lauren Bidra <lauren.bidra@ct.gov>;

Krislyn Launer <Krislyn.Launer@ct.gov>; Ashley Meskill <Ashley.Meskill@ct.gov>; Marion Quirk

<Marion.Quirk@delaware.gov>; Dashiell Radosti <Dashiell.Radosti@delaware.gov>; Victoria Butler

<Victoria.Butler@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Nicholas Weilhammer

<Nicholas.Weilhammer@myfloridalegal.com>; Donna Valin <Donna.Valin@myfloridalegal.com>; Karen Berger

<Karen.Berger@myfloridalegal.com>; Melissa Devine <mdevine@law.ga.gov>; Bryan Yee <Bryan.c.yee@hawaii.gov>;

Christopher Han <christopher.t.han@hawaii.gov>; Nathan Nielson <nathan.nielson@ag.idaho.gov>; Stephanie Guyon

<Stephanie.Guyon@ag.idaho.gov>; Susan Ellis <Susan.Ellis@ilag.gov>; Greg Grzeskiewicz <Greg.Grzeskiewicz@ilag.gov>;

Jacob Gilbert <Jacob.gilbert@ilag.gov>; Daniel Edelstein <Daniel.Edelstein@ilag.gov>; Kevin Whelan

<Kevin.Whelan@ilag.gov>; Adam Sokol <Adam.Sokol@ilag.gov>; Emily Migliore <Emily.Migliore@ilag.gov>; Scott

Barnhart <Scott.Barnhart@atg.in.gov>; Corinne Gilchrist <Corinne.Gilchrist@atg.in.gov>; Mark Snodgrass

<Mark.Snodgrass@atg.in.gov>; Sarah Dietz <Sarah.Dietz@ag.ks.gov>; Christian Lewis <Christian.Lewis@ky.gov>; Philip

Heleringer <Philip.Heleringer@ky.gov>; Zach Richards <Zach.Richards@ky.gov>; Daniel Keiser <daniel.keiser@ky.gov>;

Arham Mughal <mughala@ag.louisiana.gov>; Chris Styron <StyronL@ag.louisiana.gov>; Michael Devine

<michael.devine@maine.gov>; Laura Lee Barry Wommack <LauraLee.BarryWommack@maine.gov>; Philip Ziperman

<pziperman@oag.state.md.us>; Elizabeth Stern <estern@oag.state.md.us>; Daniel Ping <pingd@michigan.gov>; Caitlin

Micko <Caitlin.Micko@ag.state.mn.us>; Michael Schwalbert <michael.schwalbert@ago.mo.gov>; Anna Schneider

<Anna.Schneider@mt.gov>; Dthompson@cooperkirk.Com <Dthompson@cooperkirk.Com>; Alivas@cooperkirk.Com

<Alivas@cooperkirk.Com>; Megan Wold <mwold@cooperkirk.com>; Brian Barnes <bbarnes@cooperkirk.com>;

mkirk@cooperkirk.com <mkirk@cooperkirk.com>; Colin Snider <Colin.Snider@nebraska.gov>; Kashif Chand

<Kashif.Chand@law.njoag.gov>; Thomas Huynh <Thomas.Huynh@law.njoag.gov>; Gina Pittore

<Gina.Pittore@law.njoag.gov>; Verna Pradaxay <Verna.Pradaxay@law.njoag.gov>; Mandy Wang <Mandy.Wang@law.njoag.gov>; Chris D'Angelo <Christopher.D'Angelo@ag.ny.gov>; Clark Russell <Clark.Russell@ag.ny.gov>; Nathaniel Kosslyn <Nathaniel.Kosslyn@ag.ny.gov>; Kevin Anderson <kander@ncdoj.gov>; Elin Alm <ealm@nd.gov>; Christopher Lindblad <clindblad@nd.gov>; Melissa Wright <Melissa.Wright@ohioago.gov>; Melissa Szozda Smith <Melissa.S.Smith@ohioago.gov>; Michael Ziegler <Michael.Ziegler@ohioago.gov>; Kevin Walsh <Kevin.Walsh@ohioago.gov>; Jordan Roberts <Jordan.M.Roberts@doj.state.or.us>; Tim Murphy <tmurphy@attorneygeneral.gov>; Jonathan Burns <jburns@attorneygeneral.gov>; Stephen Provazza <sprovazza@riag.ri.gov>; Jared Libet <jlibet@scag.gov>; Anna Smith <AnnaSmith@scag.gov>; Clark Kirkland <ckirkland@scag.gov>; Jessica LaMie <Jessica.LaMie@state.sd.us>; Joelle Gotwals <jgotwals@oag.state.va.us>; Joe Kanada <Joe.Kanada@atg.wa.gov>; Alexia Diorio <Alexia.Diorio@atg.wa.gov>; Laurel Lackey <laurel.k.lackey@wvago.gov>; smmidschooldistrictbellwethergroup@lfsblaw.com <smmidschooldistrictbellwethergroup@lfsblaw.com>; MWeinkowitz@lfsblaw.com <MWeinkowitz@lfsblaw.com>; myeates@ktmc.com <myeates@ktmc.com>; pwarren@motleyrice.com <pwarren@motleyrice.com>; lhazam@lchb.com <lhazam@lchb.com>; jennie@andrusanderson.com <jennie@andrusanderson.com>; Alexandra Kory <Alexandra.Kory@atg.wa.gov>; Colin Stroud <stroudcr@doj.state.wi.us>; Matthew Davies <matthew.davies@ilag.gov>
Cc: Simonsen, Ashley M <asimonsen@cov.com>; Schmidt, Paul <pschmidt@cov.com>; Halperin, Gregory <GHalperin@cov.com>; Grigsby, Stacey <SGrigsby@cov.com>; Hester, Timothy <thester@cov.com>
Subject: MDL 3047 - State Agency Discovery Meet and Confer

Counsel,

As you know, Magistrate Judge Kang's order on Friday, ECF No. 1117 (attached), on State AG control of state agency documents directed the parties to promptly meet and confer regarding a deadline for the substantial completion of the production of the state agencies' documents. Please let us know your availability to meet and confer on Monday, Tuesday, or Wednesday, and be prepared to discuss that substantial completion deadline, as well as interim deadlines for (1) identifying custodians from each agency, (2) agreeing to a universal set of search terms to be run across those agencies' documents, and (3) substantially completing productions from all state agency custodians. We are available on Monday (4-6 ET), Tuesday (11:30 – 12:30, 1:30-5:30 ET), or Wednesday (12-1:30, 2:45-5:30 ET).

Best,

Chris

Christopher Y. L. Yeung

Covington & Burling LLP
 The New York Times Building, 620 Eighth Avenue
 New York, NY 10018-1405
 T +1 212 841 1262 | cyeung@cov.com
www.cov.com

COVINGTON

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged

information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.